320.

SUPREME COURT OF THE UNITED STATES.

No. 100.

RICHARD GREGG, PLAINTIFF IN ERROR,

vs.

EDWARD P. FESSON.

IN ERROR TO THE CIRCUIT COURT U. S. FOR THE NORTHERN DISTRICT OF ILLINOIS.

INDEX.

	Original.	Print.
Declaration	2	1
Notice and service	3	2
Security for costs	4	3
Defendant's plea	5	3
Jury sworn	6	4
Verdict	7	4
Verdict set aside, and new trial granted	9	5
Jury sworn—verdict	11	6
Judgment	12	6
Bill of exceptions	13	6
Plat	14	7
Plat	17	8
Plat marked Exhibit A	161	74
Plat	163	75
Appeal bond	174	79
Writ of error	175	80
Clerk's certificate	176	81
Assignment of errors	177	81

GIDEON, Print.

No 98. Box 15

UNITED STATES OF AMERICA,
Northern District of Illinois.

Pleas in the Circuit Court of the United States for the northern district of Illinois, held at the city of Chicago, in the district aforesaid, before the Hon. John McLean, one of the justices of the Supreme Court of the United States, presiding, and the Hon. Thomas Drummond, judge of the district court of the United States for the northern district of Illinois, associate.

On Monday, the twenty-first day of July, in the year of our Lord one thousand eight hundred and fifty-six, and of our independence the eighty-first year.

EDWARD P. TESSON
vs. } Ejectment.
RICHARD GREGG.

Be it remembered, that heretofore, to wit, on the 18th day of April, A. D. 1854, in the April term, A. D. 1854, of the circuit court of the United States for the district of Illinois, held at the city of Chicago, in said district, came into court the said Edward P. Tesson, plaintiff, by Purple & Sanger, his attorneys, who filed in open court his declaration, notice, and affidavit of service, in the above entitled cause, in the words and figures following, to wit:

Declaration.

In the Circuit Court of the United States for the district of Illinois.—April term, 1854.

EDWARD P. TESSON
vs. } Ejectment.
RICHARD GREGG.

Edward P. Tesson, who is a citizen of the State of Missouri, plaintiff in this suit, complains of Richard Gregg, who is a citizen of the State of Illinois, defendant in this suit, for that whereas on the 1st day of April, A. D. 1854, at the county aforesaid, he, said plaintiff, was possessed of the following described real estate: The equal, undivided half part of a certain lot containing twenty-seven thousand four hundred and forty-nine square feet and seven thousand four hundred and forty-nine square feet and seven hundredths of a square foot, surveyed and designated as covered by claim number thirty-three (33) in the southwest fractional quarter of fractional section nine, in township eight north, of range eight east of the fourth principal meridian, Illinois, according to the survey approved 1st September, 1840, by the surveyor of the public lands in the States of Illinois and Missouri, the title to which he claims in fee; and the said plaintiff being so possessed thereof, the said defendant, on the second day of April, 1854, entered into said premises, and unlawfully withholds from the plaintiff the possession thereof, to the damage of the said plaintiff one hundred dollars; and therefore he brings suit, &c. And the said plaintiff avers that the real estate above described and the matters in controversy in this suit exceed in value the sum of five hundred dollars.

PURPLE & SANGER,
Pl'ff's Att'ys.

Mr. RICHARD GREGG: You are notified that on the first day of the next term of the circuit court of the United States to be holden in and for the district of Illinois, at Chicago, or as soon thereafter as counsel can be heard, the foregoing declaration in ejectment will be filed; and thereupon a rule will be entered requiring you to appear and plead thereto within twenty days after the entry of such rule; and that if you neglect so to appear and plead, judgment by default will be entered against you, and the plaintiff will recover possession of the premises described in said declaration.

PURPLE & SANGER,
April 7th, 1854. *Pl'ff's Att'ys.*

STATE OF ILLINOIS,
Peoria County, ss:

Leonard B. Cornwell, being duly sworn, says that he served the foregoing declaration and notice on the defendant within named by giving to him a true copy of the same this seventh day of April, A. D. 1854.

LEONARD B. CORNWELL,
Sheriff P. C. Ill's.

Subscribed and sworn to before me, the clerk of circuit of said Peoria county, this seventh day of April, A. D. 1854. Witness [SEAL.] my hand and the seal of the circuit court of Peoria county aforesaid, this April 7th, 1854.

JACOB GALE, *Clerk.*

Endorsed: Filed April 18th, 1854.

WM. POPE, *Clerk.*

And on the same day, to wit, the 18th day of April, A. D. 1854, in the record of the proceedings of said court in said cause, is the following entry, to wit:

EDWARD P. TESSON }
vs. } Ejectment.
RICHARD GREGG. }

On filing the declaration in ejectment in this cause and the notice in writing thereto subjoined, directed to the defendant, and on reading and filing an affidavit of due service of a true copy of the declaration and notice upon the defendant, it it ordered that the defendant appear and plead in twenty days, or that his default be entered.

The bond for costs, filed in the clerk's office of said court in said cause, is in the words and figures following, to wit:

Bond for Costs.

EDWARD P. TESSON vs. RICHARD GREGG. } Ejectment.

In the Circuit Court of the United States for the district of Illinois.—April term, A. D. 1854.

I do hereby enter myself security for costs in this cause, and acknowledge myself bound to pay, or cause to be paid, all costs which shall accrue in this action, either to the opposite party or to any of the officers of this court, in pursuance of the laws of this State or the United States.

April 7th, 1854. ONSLOW PETERS.

Endorsed: Filed April 18th, 1854.

WM. POPE, *Clerk.*

And afterwards, to wit, on the 11th day of October, A. D. 1854, came the said Richard Gregg, defendant, by C. Ballance, his attorney, and filed in the clerk's office of said court his plea in the above entitled cause, in the words and figures following, to wit:

Plea.

UNITED STATES OF AMERICA,
State and District of Illinois.

In the Circuit Court—Of the October term, A. D. 1854.

EDWARD P. TESSON vs. RICHARD GREGG. } In Ejectment.

Said defendant comes and defends the force and injury, when, &c., and says he is not guilty of the trespass and ejectment in said declaration alleged in manner and form as the same is therein charged and set forth, and this he prays may be inquired of by the country.

C. BALLANCE,
For Defendant.

Endorsed: Filed Oct. 11th, 1854.

WM. POPE, *Clerk.*

And afterwards, to wit, on the 18th day of January, A. D. 1856, in the December term A. D. 1855, of the circuit court of the United States for the northern district of Illinois, in the record of the proceedings of said court in said cause is the following entry, to wit:

Trial by Jury.

Edward P. Tesson
vs. — Ejectment.
Richard Gregg.

Now at this day came the parties by their attorneys, and upon issue joined, thereupon came a jury of good and lawful men, to wit: Norman Smith, S. H. Hogan, James Michie, Iram Nye, F. C. Jostlyn, S. B. Cobb, Ruben Taylor, Joseph Petrie, Gilbert B. Dake, W. J. Heath, William Barber, and Frederick Tuttle, who were duly elected, tried and sworn, and after proceeding in the trial of the cause until the hour of adjournment, the further trial of the cause is postponed until to-morrow morning.

On the next day, to wit, the 19th day of January, A. D. 1856, in the record of the proceedings of said court in said cause is the following entry, to wit:

Edward P. Tesson
vs. — Ejectment.
Richard Gregg.

The jury yesterday empanelled in this cause this morning returned into court; and now came also the parties by their attorneys, and after testimony had been closed, and a part of the arguments of counsel heard, the hour of adjournment having arrived, the further argument of counsel is postponed until Monday morning next.

And on the 21st day of January, A. D. 1856, in the record of the proceedings of said court in said cause is the following entry, to wit:

Edward P. Tesson
vs. — Ejectment.
Richard Gregg.

The jury heretofore empanelled in this cause this morning returned into court; and now come again the parties by their attorneys, and after hearing the concluding arguments of counsel, and receiving instructions from the court, the jury retired to consider of their verdict, and it is ordered by the court, by agreement of the parties by their attorneys, that the jury, when they shall have agreed upon their verdict, may sign and seal the same, and disperse, and meet the court in the morning.

On the next day, to wit, the 22d day of January, A. D. 1856, in the record of the proceedings of said court in said cause is the following entry, to wit:

Verdict.

Edward P. Tesson
vs. — Ejectment.
Richard Gregg.

Now come the parties by their attorneys, and the jury heretofore empanelled in this cause this morning returned into court, with the following verdict, to wit: We, the jury, find the defendant guilty of unlawfully withholding from the possession of the plaintiff the land and premises described in the plaintiff's declaration, to wit: the equal undivided half part of a certain lot containing twenty-seven thousand four hundred and forty-nine square feet and seven hundredths of a square foot surveyed and designated as covered by claim number thirty-three, (33) in the southwest fractional quarter of fractional section nine, in township eight north, of range eight east, of the fourth principal meridian, Illinois, in the county of Peoria, according to the survey approved 1st September, 1840, by the surveyor of the public lands in the States of Illinois and Missouri; we also find the estate established in the plaintiff, on the trial, to be an estate in fee simple, and we assess the damages of the plaintiff at the sum of one cent. It is thereupon considered by the court that the plaintiff have and recover of the defendant possession of the said undivided half of said described land and premises according to the force, form and effect of his said recovery, and that he have a writ of possession therefor, and that he also have and recover of and from the said defendant the said sum of one cent, his damages so as aforesaid assessed, together with his costs by him about his suit in this behalf expended, amounting to the sum of one hundred and one dollars and forty cents, and that he have execution therefor.

And afterwards, to wit, on the sixth day of March, A. D. 1856, as yet of said December term, A. D. 1855, of said circuit court, in the record of the proceedings thereof in said cause is the following entry, to wit:

Verdict set aside and new trial.

EDWARD P. TESSON
vs. — Ejectment.
RICHARD GREGG.

The defendant, by his attorney, comes and moves the court to vacate the judgment herein against the defendant, on the 22d day of January, A. D. 1856, and also for a new trial under the statute; and it appearing satisfactorily to the court that all the taxed costs herein have been paid by the defendant, it is thereupon considered by the court that said judgment be vacated, the cause re-docketed, and a new trial of the same had.

And on the 21st day of July, in the July term, A. D. 1856, of said circuit court for the northern district of Illinois, in the record of the proceedings thereof in the above entitled cause is the following entry, to wit:

Motion for a continuance overruled.

EDWARD P. TESSON
vs. — Ejectment.
RICHARD GREGG.

The defendant, by his attorney, moves the court, on affidavit filed, for a continuance of this cause to the next term, which motion is over-

Jury. Verdict.

ruled by the court; and now come the parties, by their attorneys, and upon issue joined, thereupon came a jury of good and lawful men, to wit: Thomas Barnett, William Henry, H. M. Bogges, Peter Stout, John Brown, Rufus Ordway, Daniel P. Holt, William McKee, William W. Crandall, M. Tagart, Elisha Putnam, and D. Johnson, who were duly elected, tried and sworn, and after hearing the evidence and receiving instructions from the court, the jury returned into court the following verdict, to wit: We, the jury, find the defendant guilty of unlawfully withholding from the possession of the plaintiff the land and premises described in the plaintiff's declaration, to wit: the equal undivided half part of a certain lot containing twenty-seven thousand four hundred and forty-nine square feet and seven hundredths of a square foot, surveyed and designated as covered by claim number thirty-three (33), in the southwest fractional quarter of fractional section nine (9), in township eight north, of range eight east, of the fourth principal meridian, in the county of Peoria and State of Illinois, according to the survey approved 1st of September, 1840, by the surveyor of the public lands in the States of Illinois and Missouri. We also find the estate established in the plaintiff, on the trial, to be an estate in fee simple, and we assess the damages of the plaintiff at the sum of one cent. It is thereupon considered and adjudged by the court, that the plaintiff have and recover of and from the defendant possession of the land and premises so recovered as aforesaid, according to the force, form, and effect of his said recovery, and that he have a writ of possession therefor; and that he also have and recover of and from the said defendant the said sum of one cent, his damages as aforesaid assessed, together with his costs by him about his suit in this behalf expended, amounting to the sum of   dollars and   cents, and that he have execution therefor.

And on the 6th day of August, A. D. 1856, said defendant, by his attorney, filed in said circuit court, with the clerk thereof, his bill of exceptions, in the words and figures following, to wit:

Bill of Exceptions.

EDWARD P. TESSON }
vs. }
RICHARD GREGG. }

July term, A. D. 1856.

Be it remembered, that on the trial of this cause the plaintiff, to maintain the issue on his part, read in evidence to the jury—

1st. An act of Congress, approved May 15th, 1820, for the relief of the inhabitants of the village of Peoria.

2d. An act approved March 3d, 1823, on the same subject.

American State Papers.

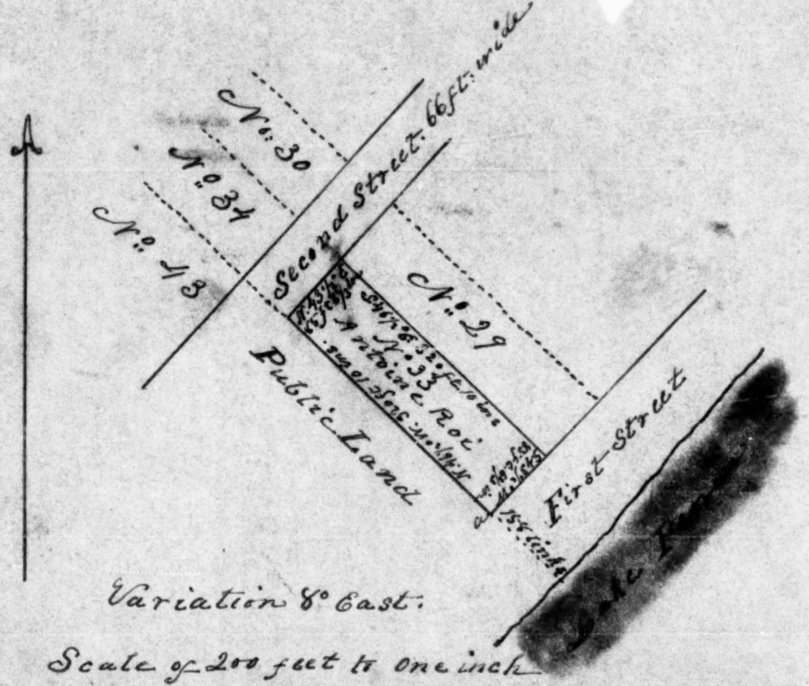
3d. He offered to read from the 3d volume of American State Papers, (a printed book, purporting to have been prepared by Walter Lowry, in pursuance of a resolution of the Senate of the United States, and printed by Duff Green,) such part of a report

made by
to the S
claim.
no law
said o
jury
4th

Frenc
Plat
1823
said
Sa
of Se
were

Cl
fracti
range
Pl
Peor
Cong
certai
it bei
Edwa
of M
villag
De
edge
N. 4
S. W
corn
E. 8
lot a
to a
of th
of Fi
place
Th
of lan
first of

No 100 - pa 7.


No. 30
No. 34
No. 43
Second Street 66 ft. wide
No. 29
No. 33
Antoine Roi
S46½°E 33 ft. 10 ins.
N46½°W 33 ft. 10 ins.
155 links
a
Public Land
First Street
Lake
Variation 8° East.
Scale of 200 feet to one inch

made by Edward Coles, register of the land office at Edwardsville, Ill., to the Secretary of the Treasury of the United States, as refers to this claim. To the reading of which defendant objected, because there is no law making such a printed book evidence; but the court overruled said objection, and a part of said report was read from said book to the jury.

French Plats.

4th. He offered in evidence two plats or surveys, which purported to have been made by order of the surveyor general of the States of Illinois and Missouri, in pursuance of said act of March 3d, 1823, and which surveys showed that the surveyor making them located said lot 33, of said Coles' report, on the land in question.

Said surveys were approved by said surveyor general on the first day of September, A. D. 1840. The certificates authenticating said plats were in the words following:

[*For plat see original, page* 14.]

Claim No. thirty-three, situate in the southwest fractional quarter of fractional section 9, in fractional township 8 north of the base line, range 8 east of the 4th principal meridian.

Plat and description of the survey of a lot in the new village of Peoria, in the State of Illinois, confirmed to Antoine Roi by an act of Congress, approved the 3d of March, 1823, entitled "An act to confirm certain claims to lots in the village of Peoria, in the State of Illinois," it being No. 33 of the report made by the register of the land office at Edwardsville, in pursuance of an act of Congress, approved the 15th of May, 1820, entitled "An act for the relief of the inhabitants of the village of Peoria, in the State of Illinois."

Description: Commence at a post at the S. W. end of the N. W. edge of First street, which post is the south corner of this lot; thence N. 46½° W., adjoining public land, 320 feet 10 inches to a post at the S. W. end of the S. E. edge of Second street, which post is the west corner of this lot; thence, with the S. E. edge of Second street, N. 43½° E. 85 feet 6 inches and ⅔ of an inch to a post, the north corner of this lot and west corner of lot No. 29; thence S. 46½° E. 320 feet 10 inches to a post in the N. W. edge of First street, which post is the east corner of this lot and south corner of lot No. 29; thence, with the N. W. edge of First street, S. 43½° W. 85 feet 6 inches and ⅔ of an inch, to the place of beginning.

This lot contains 27,449 square feet and 7-100ths of a square foot of land, equal to 24,000 square feet, French measure, surveyed on the first of May, 1837, by Joseph C. Brown, deputy surveyor, under instructions from Daniel Dunklin, surveyor of the public lands in the States of Illinois and Missouri, bearing date the 11th of April, 1837.

Examined and approved this first day of September, 1840.

WILLIAM MILBURN,
Surveyor of the Public Lands in the
States of Illinois and Missouri.

SURVEYOR'S OFFICE,
St. Louis, 14*th May*, 1849.

I certify that the above is a correct copy of the original plat and description of the survey of lot No. 33 of the new village of Peoria, in T. 8 N. of base line, R. 8 E. of the 4th principal meridian, as the same is found in the record of lots in Peoria, in this office.

F. R. CONWAY,
Surveyor of the Public Lands in the
States of Illinois and Missouri.

Plat of the new village of Peoria, and such of the out-lots and field-lots in the neighborhood thereof as are connected with said new village, in one continuous survey and description of the out-boundaries of the said town, and continued connection of out-lots and field-lots, situate on sections 9 and 16, township 8 north of the base line, range 8 east of the 4th principal meridian.

[*For plat see original, page* 17.]

Description: Begin at the upper end of the southeastern edge of First street, on the northwest bank of lake Peoria; thence N. 46½° W., one hundred feet, to the eastern corner of unclaimed lot A, 420 feet 10 inches, the north corner of said unclaimed lot A at the northeast end of the S. E. edge of Second street, 486 feet 10 inches, to the N. E. end of the N. W. edge of Second street; thence S 43½° W. with the N. W. edge of Second street, 256 feet 8 inches, to the intersection with the N. E. edge of street A; thence N. 46½° W. with the N. E. edge of street A, 320 feet 10 inches, to the N. W. end of the N. E. edge of said street A; thence S. 43½° W., 66 feet, to the north corner of lot No. 66 at the N. W. end of the S. W. edge of said street A, 108 feet 9⅓ inches, the west corner of lot No. 66 and north corner of unclaimed lot C, 322 feet 8 inches, the west corner of unclaimed lot C and the north corner of lot No. 12, 408 feet 2⅔ inches, the west corner of lot No. 12 and the N. W. end of the N. E. edge of street B,

474 feet 2⅔ inches, the N. W. end of the S. W. edge of street B and the north corner of lot No. 8, 709 feet 6 inches, the north corner of lot No. 15, 795 feet and ⅔ of an inch, to the west corner of lot No. 8, which is also the west corner of lot No. 15 and east corner of lot No. 61 and north corner of lot No. 28; thence N. 46½° W. with the N. E. boundary of lot No. 61, 15 chains and 40 links, to the north corner of lot No. 61; thence with the N. W. boundary of lot No. 61 S. 43½° W., 5 chains and 52¼ links, to the west corner of lot No. 61; thence with the S. W. boundary of lot No. 61 S. 46½° E., 4 chains and 94 links, to the north corner of lot No. 51 at the intersection of the N.W. boundary thereof with the S. W. boundary of lot No. 61; thence with the N. W. boundary of lot No. 51 S. 43½° W., 4 chains and 88 links, to the west corner of lot No. 51; thence with the S. W. boundary of lot No. 51 S. 46½° E., 6 chains and 10 links, to the north corner of lot No. 40 at the intersection of the N. W. boundary thereof with the S. W. boundary of lot No. 51; thence with the N. W. boundary of lot No. 40 S. 43½° W., 3 chains and 23⅓ links, to the west corner of lot No. 40; thence with the S. W. boundary of lot No. 40 S. 46½° E., 4 chains 34 links, to the N. W. end of the N. E. edge of street E. on the S. W. boundary of lot No. 40; thence S. 43½° W., 66 feet, to the N. W. end of the S. W. edge of street E and the north corner of unclaimed lot E, 322 feet 8 inches, to the east corner of lot No. 31 at the intersection of the N. E. boundary thereof with the N. W. boundary of unclaimed lot E; thence with the N. E. boundary of lot No. 31 N. 46½° W., 13 chains and 16 links, to the north corner of lot No. 31; thence with the N. W. boundary of lot No. 31 S. 43½° W., 3 chains and 88 links, to the west corner of lot No. 31 at the intersection with the N. W. boundary thereof with the N. E. boundary of lot No. 37; thence with the N. E. boundary of lot No. 37 N. 46½° W., 5 chains and 5½ links, to the north corner of lot No. 37; thence with the N. W. boundary of lot No. 37 S. 43½° W., 7 chains and 66 links, to the west corner of lot No. 37; thence with the S. W. boundary of lot No. 37 S. 46½° E., 6 chains and 67½ links, to the north corner of lot No. 67 at the intersection of the N. W. boundary thereof with the S. W. boundary of lot No. 37; thence with the N. W. boundary of lot No. 67 S. 43½° W., 6 chains, to the west corner of lot No. 67; thence with the S. W. boundary of lot No. 67 S. 46½° E., 6 chains and 38 links, to the south corner of lot No. 67 on the N. W. boundary of lot No. 64; thence S. 43½° W., 1 chain and 66 links, the west corner of lot No. 64 and north corner of lot No. 20, 7 chains and 61 links, the west corner of lot No 20 and north corner of lot No. 48, 11 chains and 86 links, to the west corner of lot No. 48; thence with the S. W. boundary of lot No. 48 S. 46½° E., 6 chains and 88 links, the point of intersection of the S. W. boundary of lot No. 48 with the section line between sections 9 and 16, township 8 north, range 8 east of the 4th principal meridian, which point is 13 chains and 93 links N. 89½° W. of the corner of fractional sections 9 and 16

on the lake, 8 chains, to the south corner of lot No. 48; thence with the S. E. boundary of lot No. 48 N. 43½° E., 1 chain and 6 links, the point of intersection of the S. E. boundary of lot No. 48 with the section line between sections 9 and 16, township 8 north, range 8 east of the 4th principal meridian, which point is 12 chains and 38 links N. 89½° W. of the corner to fractional sections 9 and 16 on the lake, 4 chains and 25 links, to the east corner of lot No. 48 on the S. W. boundary of lot No. 20; thence with the S. W. boundary of lot No. 20 S. 46½° E., 2 chains, to the south corner of lot No. 20; thence N. 43½° E., 5 chains and 95 links, the east corner of lot No. 20 and south corner of lot No. 64, 13 chains and 61 links, the east corner of lot No. 64 and south corner of lot No. 43, 21 chains and 27 links, to the east corner of lot No. 43 and south corner of lot No. 34 at the S. W. end of the N. W. edge of Second street; thence S. 46½° E., 66 feet, the S. W. end of the S. E. edge of Second street and west corner of lot No. 33, 386 feet 10 inches, the south corner of lot No. 33, 491 feet 1⅓ inches, to the lower end of the S. E. edge of First street, on the N. W. bank of lake Peoria; thence along the N. W. bank of lake Peoria the following courses and distances: N. 38° E., 176 links; thence N. 42° E., 432 links; thence N. 17¾° E., 150 links; thence N. 78° E., 72 links; thence N. 47½° E., 417 links; thence N. 37° E., 188 links; thence N. 44¾° E., 2,448 links, to the place of beginning.

Then, for connection with the public surveys, run from said place of beginning along the N. W. bank of lake Peoria the following courses and distances: N. 44¾° E., 1,081 links; thence N. 50¾° E., 1,300 links, to the point of intersection of the section line between sections 9 and 10 with the N. W. bank of lake Peoria, which point is 2,406 links S., 0° 30′ W. of the corner to sections 3, 4, 9 and 10, township 8 north, range 8 east of the 4th principal meridian.

Also from the lower end of the S. E. edge of First street the following courses and distances along the bank of the lake were taken for connection: S. 51¾° W., 198 links; thence S. 39° W., 819 links; thence S. 41¼° W., 216 links; thence S. 49½° W., 287 links; thence S. 85° W., 116 links, to the point of intersection of the section line between sections 9 and 16, township 8 north, range 8 east of the 4th principal meridian, which point is 2,510 links S. 89° 30′ E. of the corner to sections 8, 9, 16 and 17, of said township.

Surveyed on the several days designated in the foregoing separate descriptions of the lots by Joseph C. Brown, deputy surveyor, under instructions from Daniel Dunklin, surveyor of the public lands in the States of Illinois and Missouri, bearing date the 11th of April, 1837.

Examined and approved this first day of September, 1840.

WILLIAM MILBURN,
Surveyor of the Public Lands in the
States of Illinois and Missouri.

OFFICE OF THE SURVEYOR GENERAL FOR ILLINOIS
AND MISSOURI, *St. Louis, January 31st*, 1854.

I certify that the foregoing plat of the new village of Peoria, and of such of the out-lots and field-lots in the neighborhood thereof as are connected with said new village, in one continuous survey and description of the out-boundaries of the said town, and continued connection of out-lots and field-lots situate on sections 9 and 16, township 8 north of the base line, range 8 east of the 4th principal meridian, are correctly copied from the records of the surveys of Peoria, pages 79 and 80, preserved in this office.

JNO. LOUGHBOROUGH,
Surveyor General.

To the introduction of said plats in evidence defendant objected, because they were not certified by the Commissioner of the General Land Office; but the court overruled said objection, and said plats were given in evidence to the jury.

5th. He then offered a patent to the legal representatives of Antoine Roi; to the introduction of which, in evidence, defendant objected; but the court overruled said objection, and said patent was read in evidence.

Patent to Roi's representatives.

The United States of America to all to whom these presents shall come, greeting:

Whereas there has been deposited in the General Land Office a certificate numbered six of the register and receiver of the land office at Edwardsville, Illinois, whereby it appears that, in the report dated 10th November, 1820, of Edward Coles, register of the land office at Edwardsville, Illinois, the claim of Antoin Roi is entered as number thirty-three; and whereas it further appears, from the certificate aforesaid, that the said Antoine Roi, the inhabitant or settler within the purview of the confirmatory act of Congress, approved 3d March, 1823, entitled "An act to confirm certain claims to lots in the village of Peoria, in the State of Illinois;" and that it has appeared, to the satisfaction of the said register and receiver, that the said inhabitant or settler did not, prior to the said act of 3d March, 1823, receive "a confirmation of claims, or donation of any tract of land or village lot from the United States;" and that the legal representatives of the said Antoine Roi, in virtue of the confirmatory act aforesaid, are entitled to a patent for a certain lot, which is described as follows, to wit: the lot containing twenty-seven thousand four hundred and forty-nine square feet and seven hundredths of a square foot, surveyed and designated as covered by said claim number thirty-three, in the southwest fractional quarter of fractional section nine, in township eight north, of range eight east of the fourth principal meridian, Illinois, according to the survey, approved 1st September, 1840, by the surveyor of the public lands in the States of Illinois and Missouri; and whereas, in the confirmatory act aforesaid of the 3d March, 1823, it is provided that "nothing in this act contained shall be so construed as to affect the right, if any such there be, of any other person or persons to the said lots, or any part of them, derived from the United States or any other source whatever," &c.:

Now know ye, that in consideration of the premises, and pursuant to the second section of the act aforesaid of the 3d March, 1823, there is granted, by the United States, to the legal representatives of the said Antoine Roi, and to their heirs, subject to the proviso aforesaid, the lot of land above described; to have and to hold the said lot of land, with the appurtenances, unto the said legal representatives of Antoine Roi, and to their heirs and assigns forever, subject to the proviso aforesaid.

In testimony whereof, I, James K. Polk, President of the United States, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the city of Washington, the twenty-ninth day of June, in the year of our Lord one thousand eight hundred and forty-six, and of the independence of the United States the seventieth.

JAMES K. POLK. [SEAL.]

By the President:

By J. KNOX WALKER, *Sec'y.*

S. H. LAUGHLIN,
Recorder of the General Land Office.

Recorded vol. 10, pages 103 and 104.

6th. He read in evidence a deposition of Madaline Glodon, which is as follows:

Deposition of Mrs. Glodon.

Deposition taken by and before me, Nathaniel Niles, county judge of the county of St. Clair, in the State of Illinois, under and by authority of the annexed commission, at the residence of Mrs. Madaline Glodon, in said county, to be read in the trial of two certain causes, between William P. Bryant, plaintiff, and Richard Gregg, defendant; and between Edward P. Tesson, plaintiff, and Richard Gregg, defendant, pending in the circuit court of the United States for the northern district of Illinois.

N. NILES.

Madaline Glodon, being sworn as a witness, deposes and says, in answer to interrogatories, as follows. She being French, not understanding English, Nicholas Glodon is sworn, and acts as interpreter.

Question 1st. Has your deposition been taken in this cause, at the instance of Charles Ballance, esq., before T. M. Walsh, esq., a notary public of St. Clair county? If so, state about what time the same was so taken, and at what place.

My deposition was taken by T. M. Walsh, esq., in presence of Mr. Chas. Ballance, in some cause of which I do not recollect the parties, about one year ago, at my then residence on the bluff near the Grand Marais, in this county. It was concerning the heirs of Simon Roy.

Question 2d. State whether in that deposition you was asked whether Simon Roi, or his daughter Margurite, died first; and if so, state what answer you gave to said question?

I said, in answer to said question which was put to me in that deposition, that Margarite Roi, daughter of Simon Roi, died four years before her father; and that her husband, Paul Delanchaun, died four years before she died.

Question 3d. Which did die first, Simon Roi, or his daughter, Marguritte?

Marguritte died first, as I have before stated.

Question 4th. If you state that Marguritte died first, state whether at her death she left any children?

I have heard that she had children, but never knew any thing about them; I never knew or saw them. I knew Marguritte, and her husband, Paul Delanchaun, very well.

Question 5th. When your deposition was taken before said Walsh, was there any interpreter present, or was any person sworn to interpret the questions to you, and your answers to the questions?

Answer. The only persons present, at the taking of the deposition, were Mr. Ballance, Mr. Walsh, and myself. No person was sworn as interpreter.

Question 6th. Were the questions put to you in the English or French languages, and in what language were your answers given, and by whom were the questions asked?

Answer. The questions were put to me in French and English, and when I said I did not understand, Mr. Walsh explained the questions in French; sometimes I did not understand his French, he speaks so badly. The questions were asked by both Mr. Walsh and Mr. Ballance. Mr. Ballance sometimes asked questions in English, and I told him I did not understand them.

Question 7th. Can you speak or understand correctly the English or French languages, or either of them, and which?

Answer. I speak and understand the French; I understand a few words only of the English.

Question 8th. State whether the said Walsh understands and speaks the French language as you do, and whether you can well understand him when he speaks French?

Answer. He does not speak French as I do. Some of his French I understand very well, and some not at all, when I first hear it. He had to repeat many words to me several times, and I understood his meaning in that language with great difficulty.

Question 9th. Do you know any thing else of benefit to the plaintiffs? If so, state the same, if you have not already done so in your former deposition.

I know nothing more.

Cross-examined.

Question 1st. Although you may not be able to speak fluently the English language, can you not understand well enough what is said to you by others in the English language?

Answer. No; I cannot understand English well enough to know what is said to me in English. If I could understand it, I would not have an interpreter.

Question 2d. Does not your husband, Nicholas Glodon, understand and speak English well enough; and was he not present when said Walsh took your deposition; and did he not hear said Walsh read your deposition to you; and did he make any objection to said Walsh's translation of it?

Answer. My husband speaks pretty good English, and understands it. He was not present when my deposition was taken. He came into the house when they were done taking my deposition. He was not present when it was read. He could make no objection, because he did not hear it read to me.

Question 3d. Does not the said Walsh speak and translate the French language fluently? Did he not follow teaching French children the English language, for years, in the village of Cahokia, where nearly the whole population were French people? And did he not marry and for years live with a French wife?

Answer. He cannot talk very good French. He formerly taught school in Cahokia—French children in English. All the people in Cahokia, that I know, are French. Mr. Walsh married a French wife and lived with her for years, as I have heard. I never knew her, as his wife; I knew her before marriage. The first time I ever saw Mr. Walsh, his wife was dead.

Question 4th. State, if you know, how many years since the death of Margaret Roi, (afterwards Margaret Delongschamps,) as near as you can. If you do not know, about how long was it before her husband, Paul Delongchamps, was married to Miss Chatrand, as his second wife?

Answer. Margaret Roi died about 18 or 19 years ago; perhaps more, perhaps less. Her husband, Paul Delongchamps, (or Delaunchaun,) died four years before she died, as I stated. I never heard of his marrying a Chatrand until now.

Question 5th. Was not said Margaret, who married said Delongchamps, the daughter of Simon Roi?

Answer. Yes.

Question 6th. Do you not know that said Antoine Roi had a wife before he married said Miss Myette, the mother of Mary Gendron?

Answer. Yes; he was married first to Françoise Livernois, who has been dead 44 or 45 years.

Question 7th. Do you not know that said Mary Gendron was an illegitimate daughter of said Miss Myette, born before said Miss Myette was married to said Antoine Roi?

Answer. When he married her, she had the child in her arms; about 4 or 5 months old then; Antoine Roi always recognised the child as his own. I resided about three or four hundred yards from them, at Portage des Sioux.

Question 8th. Were you not at the wedding of Antoine Roi and Miss Myette, and did you not see Mary Gendron at said wedding?

Answer. I saw Mary Gendron in the arms of her mother, the day she was married; she was the said child of said Miss Myette.

Queston 9th. Was not said Miss Myette reputed to be, and recognised by and among all her neighbors as a woman of lewd and lascivious character; and was not this, her character, so general and universal that you never heard it disputed? If you ever heard any person dispute this fact, please name him or her, and the time he or she first disputed it.

Answer. I never knew the woman to be of such a character, and never heard she was so. I never heard such a character imputed to her, nor disputed of her. She had her child in her arms when she was married; that is all I know.

Question 10th. Do you not know that it was Simon, and not Antoine Roi, that raised Mary Gendron, and that he and said Miss Myette recognised said Mary as their child as other people do their children?

Answer. Miss Myette, after the death of Antoine Roi, married Simon Roi. Simon Roi treated Mary as his niece, and she called him uncle. She lived with him and her mother after they married.

Question 11th. Do you not know that said Antoine Roi had a son, named Ambrose, who was married to a Miss Labbadie?

Answer. I do not; I knew one son of Antoine Roi, who died in the Missouri country; I do not know his name, nor that he was ever married.

Question 12th. Do you not know that Josette Latour, daughter of said Antoine Roi, was married to Balthasar Latour, and had children by him; and is not Louis Latour one of said children?

Answer. Yes; she had Louis Latour, who died in the Missouri country about 16 years ago, never having been married; I knew no other children.

Question 13th. Do you not know that, previous to the birth of Mary Gendron, her mother, Miss Myette, lived in Portage des Sioux, in the State of Missouri, and that, at the time when, according to the course of natural generation, Mary Gendron must have been begotten, neither said Antoine nor said Simon were residing there, nor in said State?

Answer. When I first knew the mother of Mary Gendron, she resided in Portage des Sioux, Missouri; Antoine Roi then lived there, and Simon Roi in Cahokia. When I first came from Portage des Sioux, from Peoria, Antoine Roi was living there, and Simon was in Cahokia; they both left Peoria before the war.

her
MADALINE ⋈ GLODON.
mark.

State of Illinois,
County of St. Clair, sct.

I, Nathaniel Niles, county judge of said county, hereby certify that the foregoing deposition of Madaline Glodon was taken before me at the residence of said Madaline, as stated in the caption thereof, this 25th day of September, A. D. 1855. That at the said time and place the said deposition was subscribed and sworn to before me by said Madeline, the said witness, the same having been reduced to writing by me, and that I am not interested nor of counsel in the causes in which the same was taken, nor in either of them.

In witness whereof, I have hereunto set my hand on the day last above written.

NATH'L NILES.

Additional answer of Madaline Glodon to the 12th interrogatory (cross) propounded to her by the defendants in the above entitled causes, viz: Do you not know that Josette Latour, a daughter of Antoine Roi, was married to one Beltazar Latour, and had children by him, and is not Louis Latour one of said children?

In addition to the answer already made and written in her deposition, the said witness, Madam Madaline Glodon, wishes to make the following additional statement, to wit: I never knew that Belthazar Latour had a son by his second wife; but I heard, about 24 or 25 years ago, that he had one; I never heard his name; he would now be about 26 or 27 years of age; Belthazar Latour had by his first wife, Josette Roi, a son and a daughter: the son was called Louis; I do not remember the *the* name of the daughter; I never knew her name; she, the daughter, would now be about 50 years old, if living, and the son about 48 years of age, if living.

her
MADALINE ✕ GLODON.
mark.

The foregoing supplemental deposition of Madam M. Glodon was taken by and before me, at her residence in said county, on the 6th day of October, A. D. 1855, and was subscribed and sworn to before me by said witness, having been reduced to writing by me, under the authority of the commission hereto attached, to be read in evidence in the causes above entitled, as witness my hand, on the day last aforesaid.

NATH'L NILES.

7th. He read a deposition of Mary Gendron, which is as follows:

Deposition of Mrs. Gendron.

Interrogatories to be propounded to Mary or Maria Gendron.

1st. What is your name, age, and residence?

2d. Did you or not know Antoine Roi, in his lifetime? If so, state where he resided when you knew him, and in what manner you were related to him.

3d. Is he dead or alive; if dead, where and about what time did he die?

4th. State whether the said Antoine Roi was ever married; and if so, how many times?

5th. If you say that he was married twice, state as near as you can, from your own knowledge or from information derived from his family and acquaintances, when each of his said wives died, if they are dead?

6th. What was his (Antoine Roi's) first wife's name before she was married to him; how many children did he have by said first wife, and what were their names?

7th. If you say that their names were Mary Louise, Josette, Ambrose, and Charles, state whether any of them are now living; and if dead, about what time each of them died, or left the country, where they went to, and what became of them, to the best of your knowledge; and how long it is since they have been heard from by any of their friends and acquaintances?

8th. Was Mary Louise ever married; did she ever have any children; if dead, when, or about what time did she die; is her husband dead or alive; if dead, how long ago did he die; what was his name?

9th. State whether Josette ever married; did she ever have any children; if dead, when or about what time did she die; is her husband dead or alive; if dead, when did he die?

10th. State whether Mary Louise and Josette died before or after her father, Antoine Roi?

11th. Was Ambrose or Charles ever married; if you say that Ambrose was, state whether he ever had any children; what became of his wife; if dead, when or about what time did she die; and what became of the said Ambrose and Charles; and how long it has been since they, or either of them, has been heard from?

12th. What was the name of Antoine Roi's second wife; state whether she was your mother, and whether she is dead or alive; if dead, about what time and where she died?

13th. How many children had said Antoine Roi by his second wife, and what were their names?

14th. If you state that he had four, (yourself, one not christened, Ambrose and Pierre,) state whether any of them are still living, except yourself; if dead, when, and at what ages did they severally die?

15th. How long ago and at what place did Ambrose, Pierre, and the one not christened die, and at what ages, severally; and state whether either of them were ever married; and whether they, or either of them, left any children?

16th. State whether you are or are not the only surviving daughter or relative of the said Antoine Roi; and how long it is since he has had any children, brothers or sisters, father or mother?

17th. Did you know Simon Roi in his lifetime; was he ever married, and to whom?

18th. If you say he was married twice, state about what time, when, and to whom he was married?

19th. Are his wives dead or alive; if dead, when or about what time did each of them die and where; had he any children by his first wife; if so, what what were their names; are they dead or alive?

20th. If you say that he had a son named Simon, and a daughter named Marguritte, state whether either of them were ever married, and to whom?

21st. If you say that Simon is dead, state when he died; whether before or after his father, Simon; and whether at his death he left any issue or children?

21½. If you say that Marguritte was married, state to whom, and about what time; whether she ever had any children? If so, what were their names, and whether they are dead or alive?

22d. If you say her child or children are dead, when did they die, and at what age, and whether before or after their mother's death?

23d. Is the said Marguritte dead or alive; if dead, about what time did she die; was it before or after the death of her father, Simon Roi; and if before, how long, and at what place?

24th. Were you or not present at the death of Simon Roi, or his daughter, Marguritte, or either of them; or did you see them, or either of them, during their last sickness, or after their deaths?

25th. Did the said Simon Roi have any children by his second wife; who was his second wife; if he had children by said second wife, what were their names; how long ago, and at what ages severally, did they each, or either of them, die?

26th. If you say that Simon Roi had four children by his second wife, and that their names were Narcisse, Cyprian, Angelique, and one not christened, state whether any, or either of them, were ever married; whether they are dead or alive, and whether they died before or after their father Simon?

27th. How old were each of them at the time of their deaths, Narcisse, Cyprian, Angelique, and one not christened; and if you say that Angelique died after her father, Simon, how long was it after his death, and at what age she died?

28th. Had Antoine or Simon Roi, at the time of the death of Simon, any father or mother, brother or sister, child or children, or descendant or descendants of either living, except yourself, or those hereinbefore mentioned by you; if so, what were their names?

29th. State whether there is at this time living, except yourself, any surviving descendant or relative of the said Antoine or Simon Roi, or either of them, and how long it has been since there has been any such other descendant or relative of said Antoine or Simon living?

30th. What relation were said Antoine and Simon Roi to each other?

31st. State whether, after the death of your father Antoine, your mother was married to Simon Roi; and if so, what was about your age at that time?

32d. Do you know any other matter or thing of benefit to either party? If so, state the same fully.

33d. Did you ever know one Balshazer Latour; if so, state whether he was ever married, how many times, and to whom, what were the first names of his wives severally, and whose daughters were they?

34th. Whose daughter was Catharine, his last wife?

N. H. PURPLE, *Pl'ff's Att'y.*

To the 7th interrogatory propounded to said Mary Gendron defendant objects, because the same is a leading question.

To the 8th, 9th, 10th, 11th, 12th, 14th, 15th, the same objection is made.

The 16th is objected to, because the witness is required to state a conclusion of law, instead of facts, from which the court may deduce the law.

To the 20th, 21st, 21½, 23d, objection is made, because they are leading questions. To the 26th, 27th, 31st interrogatories to said Mary Gendron propounded, he makes the same objection.

Defendant nevertheless prays that the following interrogatories may be propounded to said witness:

1st. Have you any interest in the result of this suit, that you know of?

2d. Did John Reynolds, Samuel B. Chandler, William C. Kinney, or Narcisse Pensoneau, or either of them, ever pay *your* or husband, or Simon Roi, to the best of your knowledge and belief, anything for any deed executed by you and your husband for the property in controversy in this suit; or, if any sale of the same by said Pensoneau, under a power of attorney executed by you and your husband, was any part of the purchase money ever paid or tendered to you or your husband?

3d. Have you any recollection of ever having seen said Antoine Roi?

4th. Were you not raised by Simon Roi, and did he not always recognise you as his daughter, and did you not recognise him, and no one else, as your father?

5th. Do you not know that Antoine Roi's son Ambrose was married to a Miss Labbadie, and that after said marriage and before her death she had a child?

State the day and year, as near as you can, when said Ambrose Roi and his said wife died, and the day on which said Charles Roi died.

6th. Had said Charles an eye of unusual appearance, on account of which he was vulgarly called belle-eye?

7th. Did not Antoine Roi's daughter Josette marry a man by the name of Baltazer Latour, and have children by him; if yes, how many? If said Josette is dead, state the day on which she died, if you can, or as near as you can.

8th. Do you know that Pierre Roi, the son of Antoine, had no children or child at his death, either legitimate or illegitimate; can you tell when he died?

9th. If you have not stated in answer to plaintiff's interrogatories, state now the name of each child said Delongchamps had by said Margaret, and the date of the death of each, and the number of years since the death of said Margaret?

10th. Was not said Paul Delongchamps alive after his said wife's death?

11th. State how long after Antoine Roi's death was it before Simon Roi married your mother; what was the date of your mother's marriage to said Simon?

12th. Did not said Simon cohabit with your mother before said marriage, and did she not have children by him before then; and if she had children by him before said marriage, how many?

13th. Did not said Simon and your mother live together as man and wife, as far back as you can remember; if not that long, how long did they live together as man and wife?

14th. The parish records at Cahokia show that Simon Roi and Maria Louise Miette had a child born on the 12th of February, 1831, named Angelique. When did this child die; or, if you do not remember, about how old was she when she died?

15th. Said records also show that they had a child to die on the 16th of January, 1832; what child was this, and how old was it?

Deposition of Mary Gendron, taken by and before me, Nathaniel Niles, county judge of St. Clair county, in the State of Illinois, under and by authority of the annexed commission, to him directed, at the residence of said Mary Gendron, in said county, to be read in evidence on the trial of two certain causes, one between William P. Bryant, plaintiff, and Richard Gregg, defendant, and one between Edward P. Tesson, plaintiff, and Richard Gregg, defendant, pending in the circuit court of the United States for the northern district of Illinois.

N. NILES.

Mrs. Gendron's Deposition.

Mary or Maria Gendron, being duly sworn as a witness, deposes and says as follows, in answer the interrogatories attached hereto, and accompanying the commission also attached hereto, and entitled "Interrogatories to be propounded to Mary or Maria Gendron," and which are read over to her question by question; the said witness being a French lady, and not speaking English with facility, Robert Forsyth is sworn and acts as an interpreter for her.

Interrogatory 1st. The witness answers as follows: My name is Mary or Marie Gendron; I reside here, in St. Clair county, at Cantine, in the American bottom; my age 39 years.

To interrogatory 2d, the answer is as follows: Antoine Roi was my father; I recollect him very indistinctly; I was very young when he died; he died at Portage des Sioux, in Missouri.

To interrogatory 3d. Answer: I recollect when he died I was very young; do not remember the length of time since he died; I remember seeing and hearing him call my mother to his bedside, and embrace her, before he died.

To interrogatory 4th. Answer: I always understood that my father, Antoine Roi, was married twice.

To interrogatory 5th. Answer: I have been informed the first wife of Antoine Roi was dead when he married my mother; his second wife was my mother, and she has been deceased about 24 years.

To interrogatory 6th. Answer: The name of the first wife of Antoine Roi was Louise; I do not know her family name; I never heard it, that I recollect; I have heard that my father had four children by his first wife, and I knew two; their names were Marie Louise, Josette, Ambroise, and Charles.

To interrogatory 7th, the following answer is given, to wit: Maria Louise died before the time of my recollection; she was married to one Papin, now dead also; I never knew whether she had any children; never heard of any; she died at Portage des Sioux, or thereabout, in that region, as I have understood; Josette is dead; she married one Latour; Balthasar Latour has been dead 25 or 26 years; she had children; I think they all died before she did; Ambroise and Charles died; Charles was killed in the Missouri country about 22 years ago; Charles was killed by Indians; Ambroise was married to Margarite Laverdeur—she died about one year before her husband, without issue; she never had any children.

To interrogatory 8th, she answers: I have answered this in my answer to the 7th interrogatory; I do not know when, or how long ago, Papin, the husband of Maria Louise, died; she died before my father, I think; I do not know when.

To interrogatory 9th. Answer: Josette Roi was *was* married to Balthasar Latour; she died 25 or 26 years ago; her husband died about 16 or 17 years ago, in Illinoistown; his wife, Josette, died at Portage des Sioux; she was his first wife; her children died before she did, I believe.

To interrogatory 10th, she answers as follows, to wit: Maria Louise Roi died before my father, and Josette after my father died, as I understood in the family; I do not know of my own knowledge.

To interrogatory 11th, the following answer is given: As I stated in my former answer to the 7th question, Ambroise Roi was married to Margarite Laverdeur, who died about one year before her husband, and left no children; Charles was never married; Ambroise and Charles died at the same time nearly, about 22 or 23 years ago, in the Missouri country.

To interrogatory 12th, she answers as follows: The name of Antoine Roi's second wife, my mother, was Mary Myette, or Marie Louise Myette, who died in Illinoistown about 22 years ago.

To interrogatory 13th, the answer is as follows: Antoine Roi had four children by his second wife—myself, Marie, wife of Touissant

Gendron, one that died before it was christened, Antoine and Pierre; Antoine died when about 7 years old; Pierre died about 15 years ago last February, without ever having been married.

To interrogatory 14th. Answer: Pierre was twenty (20) years of age when he died; all my father's children are dead except me; the rest of this question is answered in my last answer.

To interrogatory 15th. Answer: The child not christened was my mother's second child, and died about 37 years ago, three days old; the rest of this interrogatory is answered before.

To interrogatory 16th. Answer: I am the only surviving daughter and relative of my father, Antoine Roi; I never knew any father or mother, brother or sister, of Antoine Roi, except one brother, Simon Roi, who died about 23 years ago, here at this house; the last child living of my father, except myself, was my full brother Pierre, who died 15 years ago, as I said, and here at this house.

To interrogatory 17th she answers as follows: I knew Simon Roi. He raised me. He was my uncle and my step-father. He was married twice; the second time to my mother, in Cahokia. I understood he had then been married, but did not know his first wife.

To interrogatory 18th. Answer: I heard that the name of Simon Roi's first wife was Margaret. I did not know her family. I was about ten years old when he married my mother. That was about 30 years ago.

To interrogatory 19th. Answer: I do not know when his first wife died, never having known her. His second wife, my mother, has been dead about 24 years. She died at Illinoistown. He, Simon Roi, had a son Simon and a daughter Margaret by his first wife. Both of these children are dead long since.

To interrogatory 20th. Answer: Of the two children of Simon Roi, Simon and Margaret, the son was never married; the daughter, Margaret, married Politte Delongchamps.

To interrogatory 21st. Answer: Margaret Roi, daughter of my uncle Simon, married Politte Delongchamps before her father married my mother. Simon, the son of my said uncle, died at Illinoistown, about 29 years ago, and before his father, and was married.

To interrogatory 21½. Answer: Margaret Delongchamps, daughter of my uncle Simon, had several children by her husband, said Delongchamps, all of which died young, before they were christened, and before their mother died.

To interrogatory 22d. Answer: This question is already answered.

To interrogatory 23d. Answer: Margaret Delongchamps, daughter of Simon Roi, my uncle, died about 28 or 29 years ago, at this place, Cantine. She died before her father. I recollect very well when she died.

To interrogatory 24th. Answer: I was not present at the death of Margaret, the daughter of Simon Roi, my uncle. I was present at the death of said Simon Roi, the elder, father of said Margaret. I was with him in his last sickness. He died in this house.

To interrogatory 25th she answers as follows: Simon Roi, my uncle, had 5 children by his second wife, who was my mother: 1st, Narcisse; 2d, Cyprian; 3d, Angelique; and 3 and 4th, two that died young, without being christened or named. They all died without being married, and all died before their father, except the girl Angelique, who died about 15 days after her father died. They were all young at the time of their decease, and were never married. Angelique was 11 months old when she died. Narcisse and Cyprian were, the former 1 year old and the latter 4 years old when they died.

To the 26th and 27th interrogatories the witness answers, that she has answered before and herein.

To interrogatory 28th the witness answers: Antoine Roi and Simon Roi, my father and uncle, at the time of their deaths had no father or mother, brother or sister, child or children, nor descendant of either of them, except myself and Angelique Roi, who died about 15 days after her father, Simon Roi, and my brother Pierre, who died about 15 years ago, never having been married.

To interrogatory 29th the witness answers: I am the only surviving descendant and relative of Antoine and Simon Roi, before stated. It is fifteen years since there was any other descendant or relative of the said Simon and Antoine, to my knowledge.

To interrogatory 30th. Answer: They were brothers.

To interrogatory 31st. Answer: This question is already answered.

To interrogatory 32d. Answer: I do not think of anything else of benefit to either party.

To interrogatory 33d. Answer: I knew Balthasar Latour. He was married twice; the first time to Josette Roi, my half-sister on my father's side, and the second time to Popone Papin or Catharine Papin, who was the mother of Louis Latour. Louis Latour was the son of Belthasar Latour by his second wife. Of this I am sure.

To the 1st cross-interrogatory accompanying the commission hereto attached, to be propounded to the said witness, Mary Gendron, namely: " Have you any interest in the result of this suit, that you know of?" the said witness answers as follows: I think I have.

To cross-interrogatory 2d her answer is as follows: I have never received anything from any person for any interest in the property of my father or uncle. I recollect of my uncle and step-father Simon Roy's exchanging property in Peoria for an old horse, not worth fifteen (15) dollars, with John Reynolds, of this county. This trade was made many years ago—28 or 29 years ago. I signed the deed; and at the time of acknowledging it, I told Narcisse Conoyer, the justice of the peace before whom I acknowledged it, that I signed it to carry out the bargain that my step-father had made. I never received anything, nor did my husband ever receive anything for this property. Nothing was ever offered to us for it by anybody, except by Mr. Ballance, who offered me fifty dollars.

To cross-interrogatory 3d. Answer: Yes, I have seen Antoine Roi. He was my father.

To cross-interrogatory 4th. I was raised by my uncle, Simon Roi. He never recognised me as one of his own children—only as his niece and step-daughter; and I recognised him as my father, as he raised me and was my step-father; and after the death of my mother he lived with me here until he died.

To cross-interrogatory 5th. Answer: Ambrose Roi was married to a Miss Laverdeur, (never to a Miss Labbadie,) and never had any children by her. He died about 23 years ago, in the Upper Missouri country, and his wife died about a year before he did. Charles Roi died about the same time—killed by the Indians—in the same country.

To cross-interrogatory 6th. Answer: Yes; Charles was called belle-eye.

To cross-interrogatory 7th. Answer: I do not remember when Josette, daughter of Antoine Roi and wife of Belthasar Latour, died. She died at Portage des Sioux, about 29 years ago. I never knew their children, and only know of them from hearsay. I heard Latour, the father, say that his children had died before his wife.

To cross-interrogatory 8th. Her answer is as follows: No; Pierre Roi, son of Antoine Roi, came to live with me when 10 years old; and lived with 10 years and died here, unmarried. He never had any children, legitimate or illegitimate.

To cross-interrogatory 9th. Answer: All the children of Margaret and Paul, or Politte Delongchamps, died young, and before their mother. She died 28 or 29 years ago, or thereabout, and died before her father, Simon Roi.

To cross-interrogatory 10th. Answer: Yes; Paul Delongchamps was alive after his wife's death.

To cross-interrogatory 11th. Answer: It was one and a half or two years after my father's death when Simon Roi married my mother; I do not know the date of their marriage.

To cross-interrogatory 12th. Answer: (I decline putting this question to the witness, and it is not propounded to her.—N. Niles, Com'r.)

To cross-interrogatory 13th. Answer: The priest objected to the marriage, as Simon was her first husband's brother; and they were married by a justice of the peace. I knew them as man and wife when I was ten years old, when they were married by a justice of the peace; they did not live together before that time.

To cross-interrogatory 14th. Answer: Angelique Roi was this child; and this question has been answered on my direct examination. This child died 15 days after its father.

To cross-interrogatory 15th. Answer: Angelique was 11 months old when she died. If the child referred to in this question was not Angelique, I do not know who it was.

her
MARIE ⋈ GENDRON
mark.

STATE OF ILLINOIS,
St. Clair County, sct.

I, Nathaniel Niles, county judge of St. Clair county, in said State, do hereby certify, that the foregoing deposition of Mary Gendron was taken before me, at the residence of said Mary Gendron, in Cantine, in the American bottom in said county, this 26th day of September, A. D. 1855; that at the said time and place, the said deposition was sworn to and subscribed before me by the said witness, Mary Gendron, the same having been reduced to writing by me, and the interrogatories and cross-interrogatories attached hereto and to the commission herein having been first propounded to said witness by me, and translated to her in French by the interpreter above named, except the 34th interrogatory of the plaintiffs, inadvertently, and 12th cross-interrogatory of defendants advertently, omitted.

In witness whereof, I have hereto set my hand, this 26th day of September, A. D. 1855.

NATH'L NILES.

Note by the commissioner.—I consider the 12th interrogatory, addressed to Mary Gendron, as unfit to be addressed to any woman, white or black, and of whatever character. Madam Gendron is a highly respectable French lady, with a grown daughter by her side during the examination.

N. NILES, *Com'r.*

8th. He read a deposition of Isadore Lecompt, which is as follows:

Interrogatories to be propounded to Isadore Lecompt, Nicholas Boimenne, Baptiste Beckett, and Joseph Chartrand, severally, in each of the said causes before named.

1st. What is your name, age, place of residence, and occupation?

2d. Did you know Simon and Antoine Roi, or either of them, in their lifetimes? If so, state whether they are dead or alive; and if dead, when and where did each of them die?

3d. Was Antoine Roi ever married, to your knowledge; if so, to whom, and how many times?

4th. If you say he was married twice, how many children did he have by his first wife, to your knowledge, and when and where did they or any of them die, or are any of them still living, and what are their names.

5th. State whether those who died, died before or after their father, Antoine Roi, and how old each one was at its death; and whether they left any issue or children surviving them.

6th. How many children had said Antoine Roi by his second wife, and what were their names?

7th. Are they dead or alive; if dead, when did each one die, and at what age; and state whether they left any child or children surviving them?

To cross-interrogatory 4th. I was raised by my uncle, Simon Roi. He never recognised me as one of his own children—only as his niece and step-daughter; and I recognised him as my father, as he raised me and was my step-father; and after the death of my mother he lived with me here until he died.

To cross-interrogatory 5th. Answer: Ambrose Roi was married to a Miss Laverdeur, (never to a Miss Labbadie,) and never had any children by her. He died about 23 years ago, in the Upper Missouri country, and his wife died about a year before he did. Charles Roi died about the same time—killed by the Indians—in the same country.

To cross-interrogatory 6th. Answer: Yes; Charles was called belle-eye.

To cross-interrogatory 7th. Answer: I do not remember when Josette, daughter of Antoine Roi and wife of Belthasar Latour, died. She died at Portage des Sioux, about 29 years ago. I never knew their children, and only know of them from hearsay. I heard Latour, the father, say that his children had died before his wife.

To cross-interrogatory 8th. Her answer is as follows: No; Pierre Roi, son of Antoine Roi, came to live with me when 10 years old; and lived with 10 years and died here, unmarried. He never had any children, legitimate or illegitimate.

To cross-interrogatory 9th. Answer: All the children of Margaret and Paul, or Politte Delongchamps, died young, and before their mother. She died 28 or 29 years ago, or thereabout, and died before her father, Simon Roi.

To cross-interrogatory 10th. Answer: Yes; Paul Delongchamps was alive after his wife's death.

To cross-interrogatory 11th. Answer: It was one and a half or two years after my father's death when Simon Roi married my mother; I do not know the date of their marriage.

To cross-interrogatory 12th. Answer: (I decline putting this question to the witness, and it is not propounded to her.—N. Niles, Com'r.)

To cross-interrogatory 13th. Answer: The priest objected to the marriage, as Simon was her first husband's brother; and they were married by a justice of the peace. I knew them as man and wife when I was ten years old, when they were married by a justice of the peace; they did not live together before that time.

To cross-interrogatory 14th. Answer: Angelique Roi was this child; and this question has been answered on my direct examination. This child died 15 days after its father.

To cross-interrogatory 15th. Answer: Angelique was 11 months old when she died. If the child referred to in this question was not Angelique, I do not know who it was.

her
MARIE ⋈ GENDRON
mark.

State of Illinois,
St. Clair County, sct.

I, Nathaniel Niles, county judge of St. Clair county, in said State, do hereby certify, that the foregoing deposition of Mary Gendron was taken before me, at the residence of said Mary Gendron, in Cantine, in the American bottom in said county, this 26th day of September, A. D. 1855; that at the said time and place, the said deposition was sworn to and subscribed before me by the said witness, Mary Gendron, the same having been reduced to writing by me, and the interrogatories and cross-interrogatories attached hereto and to the commission herein having been first propounded to said witness by me, and translated to her in French by the interpreter above named, except the 34th interrogatory of the plaintiffs, inadvertently, and 12th cross-interrogatory of defendants advertently, omitted.

In witness whereof, I have hereto set my hand, this 26th day of September, A. D. 1855.

NATH'L NILES.

Note by the commissioner.—I consider the 12th interrogatory, addressed to Mary Gendron, as unfit to be addressed to any woman, white or black, and of whatever character. Madam Gendron is a highly respectable French lady, with a grown daughter by her side during the examination.

N. NILES, *Com'r.*

8th. He read a deposition of Isadore Lecompt, which is as follows:

Interrogatories to be propounded to Isadore Lecompt, Nicholas Boimenne, Baptiste Beckett, and Joseph Chartrand, severally, in each of the said causes before named.

1st. What is your name, age, place of residence, and occupation?

2d. Did you know Simon and Antoine Roi, or either of them, in their lifetimes? If so, state whether they are dead or alive; and if dead, when and where did each of them die?

3d. Was Antoine Roi ever married, to your knowledge; if so, to whom, and how many times?

4th. If you say he was married twice, how many children did he have by his first wife, to your knowledge, and when and where did they or any of them die, or are any of them still living, and what are their names.

5th. State whether those who died, died before or after their father, Antoine Roi, and how old each one was at its death; and whether they left any issue or children surviving them.

6th. How many children had said Antoine Roi by his second wife, and what were their names?

7th. Are they dead or alive; if dead, when did each one die, and at what age; and state whether they left any child or children surviving them?

8th. Do you know Mary Gendron, wife of Touissant Gendron; if so, where has she resided since you have known her, and whose daughter was she reputed to be at the time you first knew her, and how old was she at that time?

9th. State whether Antoine Roi and the mother of Mary Gendron lived and cohabited together as husband and wife, and were or were not reputed to be married, and whether they acknowledged the said Mary to be their daughter, and whether she was not reputed to be such, among all her friends and acquaintances?

10th. Was Simon Roi ever married; and if so, when, and to whom?

11th. If you say that he was married twice, state whether he had any children by his first wife, and what were their names?

12th. If you state that he had two, Simon and Margaritte, state whether they, or either of them, are dead or alive; and if dead, how long ago and at what age each died, and whether they died before or after their father, Simon, and how long?

13th. Was Simon, the son, ever married, or did he, at his death, leave any children or issue surviving him?

14th. Was Marguritte ever married; and if so, to whom?

15th. If you say she was married to Paul Delongchamps, state whether she ever had any children, and whether they are dead or alive; if dead, when did they die, and at what age did they die; before or after their mother, Margurite, and about how long?

16th. State whether the said Marguritte died before or after her father Simon's death; if before, how long?

17th. Did Simon Roi have any children by his second wife, to your knowledge; if so, what were their names; are they dead or alive; if dead, about how long ago did they each die, and at what ages?

18th. Did the said last named children of Simon Roi die before or after their father; if before, about how long; were any of them ever married, or did any of them leave any issue or children surviving them?

19th. Were you ever acquainted with one Belshazur Latour, or his wife, Josette; whose daughter was she? Is she dead or alive; if dead, when did she die, and did she die before or after her father; and did she leave any child or children, or issue, surviving her at the time of her death?

20th. State whether said Latour was married a second time, and what was the name of his second wife?

21st. State whether there is at this time living any surviving relation or descendant of the said Antoine or Simon Roi, except the said Mary Gendron; and if so, how long it has been since there has been, to your knowledge, any such descendant or relative of the said Antoine or Simon living?

22d. Had said Antoine or Simon Roi, at the time of the death of Simon, any father or mother, brother or sister, child or children, or descendant or descendants of either living, except the said Mary Gendron, and those hereinbefore mentioned by you? If so, state who they were, what were their names, and what has become of them?

23d. Do you know any other matter or thing of benefit to the parties to this suit, or either of them; if so, state the same fully?

N. H. PURPLE, *Plff's Att'y.*

Boismenne's Deposition.

To Nicholas Boimenne alone:

1st. Has your deposition been taken in this case before; and if so, before whom, and at whose instance or request?

2d. Did you state in that deposition that Mary Gendron, when you first knew her, was not reputed to be the daughter of Antoine Roi, or at any time thereafter?

3d. State whether said Mary was not reputed, when you first knew her, to be the daughter of Antoine Roi; whether said Antoine and her mother did not live and cohabit together as husband and wife, and were they not reputed to be married; and did they or not acknowledge said Mary to be their daughter?

4th. Have you not told Robert Forsyth and others that when said Mary came to live at Illinoistown, and when you first knew her, she was reputed to be the daughter of Antoine Roi, and recognised and known as such; and if you have made any statement in your deposition, taken before said Walsh, different from this, is the same true or false, or has it been put down different from what you have stated it?

N. H. PURPLE, *Plff's Att'y.*

To the 21st interrogatory propounded to Isadore Lecompt, Nicholas Boismanne, Baptiste Beckett, and Joseph Chatrand, defendant objects, because it is an attempt to make the witness depose to questions of law instead of facts. Nevertheless, defendant prays that the following interrogatories may be propounded to said witnesses:

1st. Do you not know that Antoine Roi died when Mary Gendron was an infant?

2d. Do you not know that Simon Roi and Miss Miette, the mother of Mary Gendron, lived together as man and wife long before they were married, and raised Mary Gendron, and both before and after their marriage recognised Mary as their daughter?

3d. Do you know that, after the death of said Mary's mother, said Simon took up his lodging with *with* said Mary, and lived with her until his death, although he then had a daughter alive that was married, and a housekeeper?

4th. Do you not know that said Miss Miette was so common a woman, that no one could tell with tolerable certainty who was the father of her children?

4th. Had said Miss Miette not the reputation of being a lewd woman?

5th. Were you not present in the Catholic church in Cahokia when said Simon Roi and Miss Miette made public confession that they had long been living in a state of adultery and fornication?

6th. If you were not present at said confession, do you not know or believe that it was made? If you say you do not know the fact, but believe it, state the facts on which you found said belief?

7th. Was it not stated at the time, by the neighbors generally, that said confession was so made by them, and did you ever hear either of them, or any one else, deny the truth of said statement?

8th. I wish each of said witnesses to state as well as he possibly can, the number of years since the death of each of the children of said Antoine and Simon Roi; particularly how many years since the death of Margaret Delongchamps.

9th. Of said Chatrand I would ask, although said Delongchamps may not have any children alive, has he not other heirs? Has he not a nephew named Louis Chatrand, and a niece named Margaret Martin?

10th. Of said Isadore Lecompt I would ask, are you acquainted with Louis Latour, and have you not sworn on a former occasion that he was the grandson of Antoine Roi, and is that not the fact?

11th. Of Nicholas Boismanne I would ask, do you not know that said Ambrose Roi was married to a Miss Labaddie, and had a child by her?

12th. How long since you saw said Ambrose, according to your best recollection?

13th. If you should state in answer to any of the foregoing interrogatories that Mary Gendron was the reputed daughter of Antoine Roi, was she not also the reputed daughter of Simon Roi?

14th. Was it not also reputed that she was a bastard, and born before either said Antoine or Simon had any knowledge of her mother?

15th. Is it not a fact that the first time you ever saw Mary Gendron was after the death of said Antoine, commonly called Little Roi? Is not this the history of that part of the case?

After said Antoine lost his first wife, he married said Miette at Portage des Sioux, in Missouri; said Mary Gendron having been previously born, while said Antoine had another wife. Afterwards Antoine died, and Simon brought her and said Mary Gendron into your neighborhood, where they raised said Mary. If this is not the truth of the matter, state what is the fact.

16th. Was not the fact of the illegitimacy of said Mary so well known throughout the community, that no one ever disputed it?

17th. Did you ever hear either of said Rois or said Miss Miette, or any one else, before the pendency of these suits, pretend that said Mary was the legitimate daughter of either Simon or Antoine Roi?

C. BALLANCE.

Deposition of Isadore Lecompt.

Deposition of Isadore Lecompte, taken by and before me, Nathaniel Niles, county judge of St. Clair county, Illinois, under and by authority of the annexed commission, at the residence of Madam Mannette Godin, in the town of Cahokia, in said county, in which town said witness resides, to be read in the cases above, and in said commission mentioned.

N. NILES.

Isadore Lecompte being duly sworn, deposes and says, in answer to the interrogatories of both parties attached hereto, and propounded by me to him as follows,—(said witness being a Frenchman, and not speaking English well, Robert Forsyth is sworn and acts as interpreter:)—

To the 1st interrogatory, what is your name, age, place of residence, and occupation?

Answer. My name is Isadore Lecompte; my place of residence is Cahokia; my occupation is that of a small farmer; I am 71 or 72 years of age.

To 2d interrogatory, witness answers: I knew Simon Roi; I was once his neighbor; I never knew Antoine Roi; I recollect very well when Simon Roi told me that his brother Antoine had died, somewhere up the Illinois, and that he, Simon, was going up to get his sister-in-law and her children and bring them down here to support them. He did bring them down, and married the widow.

To the 3d interrogatory, the witness answers: All I know about this is from hearsay; Antoine Roi's widow told me that his first wife was a Livernois, and that her name before she married was Louise Miette.

To the 4th interrogatory. Answer: I think that the first child of Antoine Roi's first wife by him was Josette, who married Belthasar Latour; another one was named Ambroise; another Antoine or Charles, Antoine Charles; a fourth was Marie, who married Toussant Gendron; there was another son named Pierre, but I do not know whether he was by the same mother.

To the 5th interrogatory witness answers: I think they are all dead, and that they all died after their father, except Marie Gendron, who is still living.

To the 6th interrogatory. Answer: I heard that Josette died about the time the family was brought down here; I do not know at what time; she was the wife of Balthasar Latour; do not know whether she died before or after her father, nor whether she left any children or not; Ambroise married a Miss Laverdeur, who died about 18 or 20 years ago, and before her husband; they had no children; Ambroise died up the Missouri county, and never married a second time; Charles is dead; he never married; all the children of Antoine Roi are dead except Mary Gendron.

To the 6*th* interrogatory. Answer: On reflection, I remember now that Mary and Pierre were children of Antoine Roi by his second marriage.

To the 7th interrogatory. Answer: Mary is alive now, and the wife of Touissant Gendron, and Pierre is dead; he was four or five years of age when he died; I know of no other children of Antoine Roi.

To the 8th interrogatory. Answer: I know Mary Gendron; she has always lived in this county, and since her marriage at Cantine; she was or believe that it was made? If you say you do not know the fact, but believe it, state the facts on which you found said belief?

7th. Was it not stated at the time, by the neighbors generally, that said confession was so made by them, and did you ever hear either of them, or any one else, deny the truth of said statement?

8th. I wish each of said witnesses to state as well as he possibly can, the number of years since the death of each of the children of said Antoine and Simon Roi; particularly how many years since the death of Margaret Delongchamps.

9th. Of said Chatrand I would ask, although said Delongchamps may not have any children alive, has he not other heirs? Has he not a nephew named Louis Chatrand, and a niece named Margaret Martin?

10th. Of said Isadore Lecompt I would ask, are you acquainted with Louis Latour, and have you not sworn on a former occasion that he was the grandson of Antoine Roi, and is that not the fact?

11th. Of Nicholas Boismanne I would ask, do you not know that said Ambrose Roi was married to a Miss Labaddie, and had a child by her?

12th. How long since you saw said Ambrose, according to your best recollection?

13th. If you should state in answer to any of the foregoing interrogatories that Mary Gendron was the reputed daughter of Antoine Roi, was she not also the reputed daughter of Simon Roi?

14th. Was it not also reputed that she was a bastard, and born before either said Antoine or Simon had any knowledge of her mother?

15th. Is it not a fact that the first time you ever saw Mary Gendron was after the death of said Antoine, commonly called Little Roi? Is not this the history of that part of the case?

After said Antoine lost his first wife, he married said Miette at Portage des Sioux, in Missouri; said Mary Gendron having been previously born, while said Antoine had another wife. Afterwards Antoine died, and Simon brought her and said Mary Gendron into your neighborhood, where they raised said Mary. If this is not the truth of the matter, state what is the fact.

16th. Was not the fact of the illegitimacy of said Mary so well known throughout the community, that no one ever disputed it?

17th. Did you ever hear either of said Rois or said Miss Miette, or any one else, before the pendency of these suits, pretend that said Mary was the legitimate daughter of either Simon or Antoine Roi?

C. BALLANCE.

Deposition of Isadore Lecompt.

Deposition of Isadore Lecompte, taken by and before me, Nathaniel Niles, county judge of St. Clair county, Illinois, under and by authority of the annexed commission, at the residence of Madam Mannette Godin, in the town of Cahokia, in said county, in which town said witness resides, to be read in the cases above, and in said commission mentioned.

N. NILES.

Isadore Lecompte being duly sworn, deposes and says, in answer to the interrogatories of both parties attached hereto, and propounded by me to him as follows,—(said witness being a Frenchman, and not speaking English well, Robert Forsyth is sworn and acts as interpreter:)—

To the 1st interrogatory, what is your name, age, place of residence, and occupation?

Answer. My name is Isadore Lecompte; my place of residence is Cahokia; my occupation is that of a small farmer; I am 71 or 72 years of age.

To 2d interrogatory, witness answers: I knew Simon Roi; I was once his neighbor; I never knew Antoine Roi; I recollect very well when Simon Roi told me that his brother Antoine had died, somewhere up the Illinois, and that he, Simon, was going up to get his sister-in-law and her children and bring them down here to support them. He did bring them down, and married the widow.

To the 3d interrogatory, the witness answers: All I know about this is from hearsay; Antoine Roi's widow told me that his first wife was a Livernois, and that her name before she married was Louise Miette.

To the 4th interrogatory. Answer: I think that the first child of Antoine Roi's first wife by him was Josette, who married Belthasar Latour; another one was named Ambroise; another Antoine or Charles, Antoine Charles; a fourth was Marie, who married Toussant Gendron; there was another son named Pierre, but I do not know whether he was by the same mother.

To the 5th interrogatory witness answers: I think they are all dead, and that they all died after their father, except Marie Gendron, who is still living.

To the 6th interrogatory. Answer: I heard that Josette died about the time the family was brought down here; I do not know at what time; she was the wife of Balthasar Latour; do not know whether she died before or after her father, nor whether she left any children or not; Ambroise married a Miss Laverdeur, who died about 18 or 20 years ago, and before her husband; they had no children; Ambroise died up the Missouri county, and never married a second time; Charles is dead; he never married; all the children of Antoine Roi are dead except Mary Gendron.

To the 6*th* interrogatory. Answer: On reflection, I remember now that Mary and Pierre were children of Antoine Roi by his second marriage.

To the 7th interrogatory. Answer: Mary is alive now, and the wife of Touissant Gendron, and Pierre is dead; he was four or five years of age when he died; I know of no other children of Antoine Roi.

To the 8th interrogatory. Answer: I know Mary Gendron; she has always lived in this county, and since her marriage at Cantine; she was about 8 years old when I first saw her, at the time Simon Roi brought her and her mother from up the river; she always passed as the daughter of Antoine Roi and Miss Myette, his second wife; she lived here as my neighbor, and at Illinoistown till she married, when she removed to Cantine, where she now lives.

To the 9th interrogatory. Answer: Antoine Roi and Miss Myette were reported to have been married; I did not see them, and only know them by reputation as man and wife; Mary Gendron was always acknowledged as their daughter by the family, and so recognised by the neighbors; and old Simon Roi always called her his niece.

To the 10th interrogatory. Answer: Simon Roi was married twice; the first wife was a Frenier, and the second was a Miss Myette, the widow of Antoine Roi.

To the 11th interrogatory. Answer: One of the children of Simon Roi by his first wife was Margaret, and the other was Simon; these are all I knew.

To the 12th interrogatory. Answer: Both of these children, Margaret and Simon, died before their father; they died some 16 or 18 years ago, or thereabout—Margaret first, and some four or five years before their father, Simon Roi; I am not positive as to the time—there may be a difference of 4 or 5 years, more or less.

To 13th interrogatory. Answer: Simon Roi, the younger, was never married; he left no issue.

To 14th interrogatory. Answer: Margaret, daughter of Simon Roi, was married to one Paul (Hypolite) Delongchamps.

To 15th interrogatory. I heard that they had children, but I do not know; never knew them; I heard that they all died before their mother; I did not hear how long before.

To 16th interrogatory. Answer: Margaret, wife of Paul Delongchamps, and daughter of Simon Roi, died before her father; I do not know how long before.

To 17th interrogatory. Answer: Simon Roi had children by his second wife, but I do not recollect their names.

To 18th interrogatory. Answer: All the children of Simon Roi, by his second wife, died young, and before their father; I do not know their ages; none of them were married.

To 19th interrogatory. Answer: I knew Belthasar Latour, but not his wife Josette, his first wife; I knew her only from information of the family; her brother, Ambroise Roi, lived with me two years; he told me his sister Josette had been the first wife of Latour; and so I heard from the rest of the family living near me; also that she, Josette, was a child of Antoine Roi, by his first marriage; I never heard of any children of Belthasar Latour and said Josette.

To the 20th interrogatory. Answer: Belthasar Latour's second wife was a Papin; I do not recollect her given name; I knew Louis Latour, son of Belthasar Latour; from his age, he must have been born of the second marriage; he would now be 25 or 26 years of age if living;

had he been a child of the first marriage, he would now be 35 or 38 years of age; he lived at Illinoistown when I last saw him, about 13 or 14 years ago.

To 21st interrogatory. I do not know of any relative, or descendant of any relative of Antoine Roi or of Simon Roi, except Mary Gendron; I do not believe there is any other; I have known of none for 16 or 18 years.

To 22d interrogatory. Answer; I know of no relatives, such as those mentioned in this question, except Mary Gendron.

To 23d interrogatory. Answer: I am very confident that if Louis Latour had been a son of Belthasar Latour by his first marriage with Josette Roi, from my intimacy with the family, I should have heard of it; the family of Simon Roi lived opposite to me in Cahokia, and were in the habit of visiting in my house almost every day, and several times a day for two or three years after he married his brother's widow; I never heard of any children of Belthasar Latour and Josette Roi, and do not believe they had any.

Cross-examined.

To cross-interrogatory 1st. Do you not know that Antoine Roi died when Mary Gendron was an infant? The witness answers yes.

To cross-interrogatory 2d. Answer: Yes, they lived together before they were married in the Catholic church, and Simon Roi recognised Mary as his niece.

To cross-interrogatory 3d. Answer: Simon Roi went and lived with his married niece, Mary Gendron, till he died in her house. His daughter Margaret was dead when he went to live with his niece.

To cross-interrogatory 4th. Answer: No, she was not a common woman.

To cross-interrogatory 4th (2). Answer: No.

To cross-interrogatory 5th. Answer: I was not present, but I heard it was so. My wife was present and told me of it.

To cross-interrogatory 6th. Answer: I believe what my wife told me.

To cross-interrogatory 7th. Answer: Yes, it was generally talked of, and by everybody. The priest would not marry them without a public confession.

To cross-interrogatory 8th. Answer: I think Margaret Delongchamps has been dead about eighteen years, more or less. I keep no books. I know that all the children of Antoine and Simon Roi, his brother, are dead; how long ago I do not know.

To cross-interrogatory 10th, addressed to witness Lecompte, he answers: No; I have never sworn that Louis Latour was a grandson of Antoine Roi. I knew him, as I have stated above; I do not believe he was such a grandson. He was a great deal too young to be a son of his father's first wife. He might have been, but I do not believe he was.

his
ISADORE ⋈ LECOMPTE.
mark.

I, Nathaniel Niles, county judge of the St. Clair circuit court, do hereby certify that the foregoing deposition of Isadore Lecompte was taken by and before me at the residence of Madame Mannette Godin, in the town of Cahokia, in said county of St. Clair, (said town being the place of residence of said Lecompte,) on 28th day of September, A. D. 1855, under and by authority of the annexed commission, to me directed, in two certain causes pending in the circuit court of the United States for the northern district of Illinois, wherein William P. Bryant is plaintiff, and Richard Gregg is defendant, and Edward P. Tesson is plaintiff, and said Gregg is defendant; that, at the said time and place, the said deposition was sworn to and subscribed before me by the said witness, Isadore Lecompte, the same having been reduced to writing by me, and the interrogatories and cross-interrogatories hereto attached first propounded in their order.

As witness my hand, on the day last aforesaid.

NATH'L NILES.

9th. He read a deposition of Nicholas Boismenne, which is as follows:

Deposition of Boismenne.

Deposition of Nicholas Boismenne, taken by and before me at the residence of said Boismenne, in St. Clair county, Illinois, to be read in evidence in two certain causes pending in the circuit court of the United States for the northern district of Illinois, wherein William P. Bryant is plaintiff, and Richard Gregg defendant, and Edward P. Tesson is plaintiff, and said Gregg is defendant, under and by authority of the annexed commission to me, Nathaniel Niles, county judge of said county, in the State of Illinois, directed by said court.

N. NILES.

Nicholas Boismenne, being duly sworn as a witness, deposes and says, in answer to the annexed interrogatories to be propounded to him and other witnesses named therein, as follows:

Interrogatory 1st. What is your name, age, place of residence, and occupation?

Answer. My name is Nicholas Boismenne. I am 66 years of age this next month. I live here in the American bottom, in St. Clair county, Illinois, near Illinoistown. I am a farmer.

To 2d interrogatory. Answer: I knew Simon Roi. Have seen Antoine Roi once or twice; they are both dead, I suppose; I have so understood. Antoine died at Portage Des Sioux, about the year 1820 or 1822. Simon died at Cantine, in this county, near about the year 1830—perhaps one or two years before, perhaps one or two years after.

To interrogatory 3d. Answer: I understood he, Antoine Roi, was married. I saw a woman that was reputed to be his wife. I do not know how many times he was married.

To interrogatory 4th. Answer: I have seen children here that were said to be Antoine Roi's children. I did not know the name of his wife. One of the children was named Ambroise; the other boy I did not know. There were other younger children, but I did not know whether they were Antoine's or Simon's.

To interrogatory 5th. Answer: One child of Ambroise Roi died here, and one went up the Missouri; I do not know whether he is dead or not. They left no children surviving them. They must have died after their father. It was after Simon Roi brought the family of Antoine, his brother, from Portage Des Sioux to Cahokia.

To interrogatory 6th. Answer: I do not know.

To interrogatory 7th. Answer: I did not know that Antoine Roi had been married twice. The children that I have named, I did not know whether they were by a first or second marriage.

To interrogatory 8th. Answer: I know, and knew, Mary Gendron. She was 6 or 7 years of age when I first knew her, after Simon Roi brought her and her mother down from Portage Des Sioux. She lived at Simon's house in Cahokia, and since her marriage at Cantine.

To interrogatory 9th. Answer: I do not know; I never knew them when living together as man and wife.

To interrogatory 10th. Answer: Simon Roi had a wife when he first came to Cahokia; after her death he married the woman that was said to be his brother's widow. I did not know the name of his first wife.

To interrogatory 11th. Answer: I knew two children by his, Simon Roi's, first wife. I do not know their names.

To interrogatory 12th. Answer: Both of these children died before their father, I think. They were a boy and a girl. The boy died before 1820, and before the father, Simon Roi, left Cahokia to live in Illinoistown. The girl must have died between 1826 and 1830, in Illinoistown, when her father was living there. Perhaps she died at Cantine.

To interrogatory 13th. Answer: The boy died without issue, never having been married.

To interrogatory 14th. Answer: The girl was married to Paul Delongchamps.

To interrogatory 15th. Answer: I do not know whether they had any children.

To interrogatory 16th. Answer: Simon Roi's daughter, wife of Paul Delongchamps, died before her father, but I do not know how long before.

To interrogatory 17th. Answer: I think Simon Roi had a little boy. I have seen him following his father, who called him "tu petite." I think this was a nick-name. He was by his second wife, who was the reputed widow of Antoine Roi.

To interrogatory 18th: This boy died at the age of about eight or ten years, and after the year 1830, and also after his father died. This boy left no children.

Interrogatory 19th. Answer: I knew Belthasar Latour when he came to Illinoistown. He then had a wife. I think her family name was Clairmont. She married again after the death of Latour. She is now dead. I never knew any other wife of Belthasar Latour. He is dead. He had a son named Louis. I heard of him last year.

Interrogatory 20th. Answer: I do not know.

Interrogatory 21st. Answer: I do not know.

Interrogatory 22d. Answer. I do not know.

Interrogatory 23d. Answer: I know of nothing more that will be of benefit to either party. I never knew of any other wife of B. Latour.

To the interrogatories to be propounded to the witness, Nicholas Boismenne, "alone," he answers as follows:

To the 1st. Answer: Yes, my deposition was taken before T. M. Walsh, esq. I do not know at whose instance.

To the 2d of said interrogatories the witness answers as follows: I never stated in that deposition, nor in any other, that Mary Gendron, when I first knew her, was not reputed to be the daughter of Antoine Roi. Of late, but not before, I have heard that she was not the daughter of Antoine Roi. I have heard, too, that Madam Gendron sent to Portage des Souix and got the marriage certificate of her father's marriage with her mother. I do not suppose that the people whom I have heard talk on the subject knew anything about it.

To 3d interrogatory. Answer: All I know about this matter is, that when Simon Roi brought Mary Gendron down from Portage des Souix she was recognised as the daughter of Antoine Roi and sister of the two boys of Antoine Roi, Ambroise and another whose name I do not recall, and that she was always so called and reputed.

To 4th interrogatory. Answer: Yes, I have told Robert that Mary Gendron, when I first knew her, at Illinoistown, was reputed to be the daughter of Antoine Roi, and I never told any person differently. Any other statement different from this is not true, and I do not think I ever made any other and different statement from this now made.

Cross-examined.

To 1st cross-interrogatory. Answer: Antoine Roi was dead when I first knew Mary Gendron. She must have been an infant when he died.

To second cross-interrogatory. Answer: I do not know; I only knew them married. I never heard him call Mary his daughter. The neighbors spoke of her as old Roy's (Simon Roy's) daughter. They did not know.

To cross-interrogatory 3d. Answer: I think that old Simon moved up to Cantine village and lived there with Mary Gendron when his wife died. I do not know whether his daughter, Delongchamp's wife, was living or dead when he moved there.

To cross-interrogatory 4th. Answer: I do not know and never heard anything of her till lately. Did not know Miss Myette.

To cross-interrogatory 4th (2d). Answer: I do not know. Never heard it.

To cross-interrogatory 5th. Answer: No, I was not there.

To cross-interrogatory 6th. Answer: I have heard some people talk about such a public confession. I believe it was made.

To cross-interrogatory 7th. Answer: I have heard the neighbors say so.

To cross-interrogatory 8th. Answer: I can come no nearer the time elapsed since the death of the children mentioned in this question than I have already done.

To cross-interrogatory 11th. Answer: I know that Ambroise Roi married a Miss Laverdeur (not Labbadie or Labladie). She did not live long. Had no children.

To cross-interrogatory 12th. Answer: It is thirty years, about, since I saw Ambroise Roi.

To cross-interrogatory 13th. Answer: When Mary Gendron was living with her mother and Simon Roi, and during their marriage, she was called the daughter of Simon Roi.

To cross-interrogatory 14th. Answer: I do not know that Mary Gendron was reputed to be a bastard, and born before either Antoine or Simon Roi had any knowledge of her mother. I have heard this lately, not before. I do not know whether the people whom I heard talk on this subject knew any thing about it or not.

To cross-interrogatory 15th. Answer: All I know about the matter of this question is, that Simon Roi brought the woman into my neighborhood, who was the reputed widow of Antoine Roi, with the family of said Antoine, including Mary Gendron, and that he, said Simon, afterwards married said widow.

To cross-interrogatory 16th. Answer: I never heard any thing at that time of the legitimacy or illegitimacy of Mary Gendron.

To cross-interrogatory 17th. Answer: I do not know when this suit was begun. I never heard any thing from Roi or Miss Myette, on the subject. I never heard the legitimacy of Mary Gendron talked about or questioned until lately.

his
NICHOLAS × BOISMENNE.
mark.

I, Nathaniel Niles, county judge of St. Clair county, do hereby certify that the foregoing deposition of Nicholas Boismenne was taken by and before me at the residence of said Boismenne, in St. Clair county, Illinois, on the 29th day of September, A. D. 1855, under and by authority of the annexed commission, to me directed, in two certain causes pending in the circuit court of the United States for the northern district of Illinois, wherein William P. Bryant is plaintiff, and Richard Gregg is defendant; and in the other, of which Edward P. Tesson is plaintiff, and the same Gregg is defendant. That, at the said time and place, the said deposition was reduced to writing by me, and was sworn to and subscribed by the said witness, Boismanne, the several interrogatories and cross-interrogatories attached hereto and to said commission, to propounded to him, having been first propounded to him by me, and his answer thereto taken in their order, as witness my hand on the day last aforesaid.

NATH'L NILES, *Com'r.*

10th. He read a deposition of Joseph Chatrand, which is as follows:

Deposition of Joseph Chatrand.

Deposition of Joseph Chartrand, taken by and before me, N. Niles, county judge, &c., under and by authority of the annexed commission, to me directed, out of the circuit court of the United States for the northern district of Illinois, at the residence of said Chartrand, in St. Clair county, Illinois, on the 29th of September, A. D. 1855.

N. NILES.

Joseph Chartrand, being duly sworn as a witness, deposes and says, in answer to the interrogatories annexed hereto and to the commission attached, to be propounded to him and other witnesses, as follows. (The witness being a Frenchman, not speaking English with facility, and speaking French, Robert Forsyth is sworn, and acts as interpreter herein.)

To the 1st interrogatory, the witness answers: My name is Joseph Chartrand; I reside in St. Clair county, Illinois, near Illinoistown; I am 39 years old, and by occupation a farmer.

To 2d interrogatory. Answer: I knew but one Roi, the father of Simon Roi and Margaret Roi; he, the father, died at Cantine, in this county.

To 3d interrogatory. Answer: I never knew Antoine Roi.

To 4th interrogatory. Answer: I know nothing of the matter of this question.

To 5th interrogatory. Same answer.

To 6th interrogatory. Same answer.

To 7th interrogatory. Same answer.

To 8th interrogatory. Answer: I knew Mary Gendron; she was a Roi; I knew her before her mother married the Roi who died at Cantine; she was the daughter of his second wife.

To 9th interrogatory. I never knew Antoine Roi, nor the father of Mary Gendron.

To 10th interrogatory. Answer: The Roi who died at Cantine was married when he first came to Cahokia, and when I first knew him I did not know his wife's name; his second wife was his sister-in-law, and the mother of Mary Gendron; I did not know her name.

To 11th interrogatory. Answer: He, said Roi, had two children by his first wife—one son, Simon, and one girl, Margaret.

To 12th interrogatory. Answer: Both these children died before their father; the boy was 19 or 20 years of age when he died; the daughter was married when she died.

To 13th interrogatory. Answer: Simon, the son, was never married that I know of.

To 14th interrogatory. Answer: The girl, Margaret, was married to Paul Delangchamps.

To 15th interrogatory. Answer: She, Margaret, never had any children that I know of; I don't recollect any; I was small when she died; we live near each other.

To 16th interrogatory. Answer: The said Margaret died before her father, and about 12 years before; I am not certain.

To 17th interrogatory. Answer: Simon Roi had one child by his second wife, who died at 3 or 4 years of age. This was all I knew.

To 18th interrogatory. Answer: This child died before its father.

To 19th interrogatory. Answer: I knew Belthasar Latour. I knew nothing about Josette Roi, nor whose daughter or wife she was.

To 20th interrogatory. Answer: I know nothing about this. Mary Gendron and Belthasar Latour claimed a relationship with each other, but I know nothing about any.

To 21st interrogatory. Answer: I know of no relations or descendants of Antoine Roi or Simon Roi, except Mary Gendron. I never knew Antoine Roi. Simon Roi called her his niece, and she called him her uncle.

To 22d interrogatory. Answer: I know of no such relations of Simon and Antoine, except Mary Gendron and those heretofore mentioned. I know not Antoine Roi's relations or descendants.

To 23d interrogatory. Answer: I know of no other matter or thing which I can now think of. I was a near neighbor of the Roy who died at Cantine, one or two years.

Jos. Chartrand cross-examined.

To the 1st cross-interrogatory of the defendant, the witness answers: I do not know. Mary Gendron must have been an infant when her father died. She was about 6 or 7 years old when I first knew her. We were children together.

To the 2d cross-interrogatory. Answer: I have heard it said that Simon and his wife lived together some time before they were married. He always recognised Mary, not as his daughter, but as his niece.

To 3d cross-interrogatory. Answer: No; this Roi's daughter, the wife of Paul Delongchamps, was dead when he, the father, went to live with Mary Gendron.

To the cross-interrogatories 4, 4. Answer: I do not know Miss Myette; if she was the wife of this Roi and the mother of Mary Gendron. I never heard any such imputation against her. Never knew any such character to be imputed to her.

To the cross-interrogatories 5, 6, 7. Answer: I was not present, and never heard of any such confession as that referred to in these questions.

To cross-interrogatory 8th. Answer: It is about 30 years and upwards since the death of Margaret Delongchamps. I have stated nearly as I can the times since that of the other children.

To cross-interrogatory 9th, addressed to this witness, he answers: I know of a nephew of Paul Delongchamps named Louis Delongchamps, and a niece named Margaret Delongchamps, the former living in Cantine village; the niece in Flourissant, Mo. I know of none named Louis Chartrand and Margaret Martin. Paul Delongchamps is dead.

his
JOSEPH ✕ CHARTRAND.
mark.

STATE OF ILLINOIS,
St. Clair County, sct:

I, Nathaniel Niles, do hereby certify that the foregoing depositions of Madaline Glodon, Mary or Marie Gendron, Isadore Lecompte, Nicholas Boismenne, and Joseph Chartrand, were taken by and before me, at the places and on the days mentioned in the captions and certificates thereto respectively, signed by me, under and by authority of the annexed commission, to me directed, in two certain causes pending in the circuit court of the United States for the northern district of Illinois, wherein Wm. P. Bryant is pl'ff, and Richard Gregg is def't, and in the other Edward P. Tesson is pl'ff, and the said Gregg is defendant; that at the said times and places, namely on the 25th, 26th, 28th and 29th days of September last, the said witnesses, at their respective places of abode, (except the said Lecompte as aforesaid,) swore to and subscribed the said depositions, (said Lecompte at the residence of Madame Godin;) the same having been by me reduced to writing, and the interrogatories and cross-interrogatories attached hereto, and to said commission, to be propounded to said witnesses respectively, having been by me put to them, and their answers thereto taken down in their order; and that I am not of counsel or attorney for any or either of the parties to said suits or causes, nor interested in the event of the same, or of either of them.

As witness my hand this 6th day of October, A. D. 1855, at Belleville, State of Illinois. NATH'L NILES.

11th. He read deposition of Mrs. Glodon, which is as follows:

Mrs. Glodon's Deposition.

Be it remembered, that on the 15th day of May, A. D. 1855, application was made to me, Narcisse Pensoneau, a notary public in and for the county of St. Clair, and State of Illinois, upon the affidavit of Norman H. Purple, stating that he was the counsel and attorney for the plaintiff in a suit then pending in the circuit court of the United States for the northern circuit and district of Illinois, wherein Edward P. Tesson was plaintiff and Richard Gregg defendant; that the further testimony of Madaline Glodon, whose testimony had heretofore been taken in said cause, was material and necessary in said cause for the plaintiff in the prosecution of the same. That the said Madaline Glodon lived in St. Clair county, in the State of Illinois, more than one hundred miles from Chicago, where the court at which said deponent expected the said cause would be tried was appointed by law to be held, and that Richard Gregg, the defendant, and Charles Ballance, his attorney, both resided at Peoria, about two hundred miles from St. Clair county. where the examination of said witness was expected to be taken, and about one hundred and sixty miles from Chicago aforesaid, where the court at which said deponent expected said cause to be tried was appointed by law to be held. And I was requested, on the behalf of the said Edward P. Tesson, that the said Madaline Glodon might be examined according to the directions of the act of Congress in such case made and provided.

Whereupon, I ordered that the said Madaline Glodon should be examined de bene esse before me, at her residence, in St. Clair county, Illinois, on the 16th day of May, A. D. 1855, at 2 o'clock p. m., of said day. And the said Madaline Glodon appearing before me, at her residence in St. Clair county aforesaid, on this 16th day of May, A. D. 1855, at 2 o'clock p. m. of said day, I have therefore proceeded with the said examination.

And the said Madaline Glodon being carefully examined and cautioned, and duly sworn to testify the truth, the whole truth, and nothing but the truth, saith:

That she is now 61 years of age, and a resident of St. Clair county, State of Illinois; that she resided in the village of Peoria, Ill's, from the year 1806 to 1812; that her and her first husband, Antoine Lapence, then left Peoria with other inhabitants of said place, and stopped at Portage Da Sue, where they remained from the fall of 1812 to March, 1813; that when residing in Peoria, she was acquainted with Antoine Roi, who was reputed to be married; that about the winter of 1813, the said Roi and wife, who was a Miette, was married at Portage Da Sue, (legally, as she was informed;) that said Roi had two children, who died without issue; that while at Portage Da Sue, said Roi's wife had a child *who* name was Mary; that about the spring or 1813, that herself and husband, Lapence, removed to St. Clair county; and that about 15 years after said Antoine Roi and wife and daughter, Mary, also moved to Illinoistown, in said county of St. Clair; that some three or four years after moving, said Roi died, leaving his widow and said daughter, Mary; some years after, said widow died; the said Mary, their daughter, then married Tousant Gendron; that said Mary and Gendron, her husband, are now living in said county of St. Clair, and are the only surviving heirs of the said Antoine Roi; that she was well acquainted with said Roi; that he had one brother, Simon Roi, but had no other brother or sister or descendants of either brother or sister; that the only survivors of either said Antoine or Simon Roi is said Mary Gendron; further states that she knows of no other matter of interest to the parties in said above entitled suit.

her
MADALINE ⋈ GLODON.
mark.

Sworn to and subscribed before me, this 16th day of May, A. D. 1855.

NARCISSE PENSONEAU, [SEAL.]
Notary Public, St. Clair County, Illinois.

And I do further certify, that the preceding deposition was reduced to writing by me, and signed by the said Madaline Glodon with her mark; and that I am not of counsel or attorney for either of the parties to the said suit, nor am I interested in the event thereof.

Witness my hand and official seal, at the county of St. Clair, in the State of Illinois, this 16th day of May, A. D. 1855.

NARCISSE PENSONEAU, [SEAL.]
Notary Public, St. Clair County, Illinois.

12th. He read another deposition of said witness, which is as follows:

Be it remembered, that on the 29th day of , A. D. 1854, Norman H. Purple personally appeared before me, and made oath that he was counsel in a suit then depending in the circuit court of the United States for the circuit and district of Illinois, wherein Edward P. Tesson was plaintiff and Richard Gregg was defendant, and that the testimony of Madaline Glodon, of the county of St. Clair, and State of Illinois, was material and necessary for the said plaintiff in the prosecution of such suit, and that said Madaline Glodon lived at St. Clair county, in the State of Illinois, more than one hundred miles from Chicago, where the court at which he expected said cause to be tried was appointed by law to be held. That Richard Gregg, the above named defendant, resided at Peoria, Illinois, about one hundred and fifty miles from St. Clair county, the place where the examination of the said witness is expected to be taken as aforesaid; and that Charles Ballance, his attorney, resided at Peoria aforesaid, about one hundred and fifty miles from St. Clair county aforesaid; and that the said Norman H. Purple, in behalf of the said Edward P. Tesson, requested me, that the said Madaline Glodon might be examined according to the directions of the act of Congress in such case made and provided.

Whereupon, I ordered that the said Madaline Glodon should be examined de bene esse, before me, at the residence of Nicholas Glodon, in St. Clair county, on this 29th day of May, A. D. 1854. And the said Madaline Glodon appearing before me, at the place and on the day and time last aforesaid, I have therefore proceeded with the said examination.

And the said Madaline Glodon being carefully examined and cautioned, and duly sworn to testify the whole truth and nothing but the truth, saith:

(*Mrs. Glodon's Deposition.*)

That she was born at the Falls of Niagara, in the State of New York, and is now fifty-seven (57) years of age; that she was two months old when she came to Peoria, in the State of Illinois, as she was informed by her father, Louis Labosier; that she lived in Peoria all the time till she was eight years of age, when she removed to Cahokia, in Illinois, where she lived about three years, and then returned to Peoria, and married there, at the age of eleven (11) years, with Antoine Lapence. She left Peoria in the war when the village was burned, and the inhabitants driven off by Capt. Craig, about forty-four (44) years ago. Witness says that she was well acquainted with Antoine Roi; she knew him at Peoria, at Portage Des Sioux, and in this county, where he died, about twenty-six years ago last October, at Illinoistown. Said Antoine Roi was a settler in Peoria, on the lowest lot in the village; his brother Simon lived on the next lot above. Antoine Roi was married at Peoria, and had two children, a boy and girl; the boy died in his minority without issue; the daughter was married in this county of St. Clair, and died leaving one child, a boy, who died at about fifteen (15) years of age, without issue. Her husband also died in this county. They have all been dead about ten years, and upwards. Antoine Roi had no other relation, (brother or sister,) except the said Simon Roi, to the knowledge of deponent.

Antoine Roi married his second wife (a Miss Miette) at Peortage Des Sioux, his first wife having died; they lived together as husband and wife, and were married; while so living together, said Antoine and his second wife had a girl living with them, who was reputed to be their daughter, and was recognised by them and baptized as their daughter. Her name was Mary Roi. She is now the wife of Touissant Gendron, and resides in this county, and has resided here ever since she was 10 years of age—that is, for about 28 or 30 years. She is now about 40 years of age. She has been the wife of said Gendron about 19 years. Antoine Roi never had any other children.

Witness further says, that there has been no other descendant, besides said Mary Gendron, or other relation of said Antoine Roy, living within the last 10 or 11 years.

Further, the said witness, Madaline Glodon, saith, that Simon Roy died about 18 years ago. He was married twice. His children all died before he died; he had two children, a son and daughter, Simon and Margaret. Simon the son died without issue; Margaret the daughter married Paul Delongchamp, and had one child which died in infancy. She afterwards died without any other issue. The son, daughter, and grandchild of said Simon Roy all died before he died. Said Simon Roi left no other relative, to deponent's knowledge, than his niece Mary, the present wife of Touissant Gendron. She, deponent, was well acquainted with both families of Antoine and Simon Roy for a period of 40 years; she knew them as well as she knew any other family. There was never any other Antoine or Simon Roy who lived at Peoria.

her
MADALINE ⋈ GLODON.
mark.

And I do further certify that the foregoing deposition of the said Madaline Glodon was taken by me, and by me reduced to writing, on the day and time and at the place in the foregoing order mentioned, and that the same was subscribed by said witness in my presence by her making her mark at the foot of said deposition, (she not being able to write her name;) that I am not of counsel for either party in said cause.

Witness my hand and the seal of the county court of St. Clair county, at St. Clair county, in the State of Illinois, this 29th May, A. D. 1854.

NATH'L NILES,
C. J., County Judge of St. Clair County, Ill's.

STATE OF ILLINOIS,
St. Clair County, ss:

I, John Scheel, clerk of the county court for St. Clair county and ex-officio recorder of civil commissions in and for said county, certify that Nathaniel Niles is now, and was on the 29th day of May, 1854, county judge of St. Clair county, Illinois, duly elected, commissioned and qualified, that his signature to the foregoing certificates is genuine, and that full faith and credit is and ought to be given to all his official acts as such.

Witness John Scheel, clerk of said county court, and the seal thereof, at Belleville, this 30th day of May, 1854.

JOHN SCHEEL. [SEAL.]
By P. LEITZ, *Dep'ty.*

13th. He read another deposition of Isadore Lecompt, which is as follows:

Isadore Lecompt's Deposition.

Be it remembered, that on the 23d day of January, A. D. 1855, application was made to me by Norman H. Purple, upon his affidavit, stating that he was attorney for the plaintiff in a suit then depending in the circuit court of the United States for the circuit and district of Illinois, wherein Edward P. Tesson was plaintiff, and Richard Gregg defendant, and that the testimony of Isadore Lecompte and Louis Lecompte was material and necessary for the said plaintiff in the prosecution of said suit; and that they, the said witnesses, lived at Cahokia, in St. Clair county, more than one hundred miles from Chicago, where the court at which the said plaintiff expected the said cause would be tried was appointed by law to be held; that Richard Gregg, the said defendant, and Charles Ballance, his attorney, resided at Peoria, Illinois, about one hundred and sixty miles from Cahokia aforesaid, and I was requested, on the behalf of the said plaintiff, that the said Isadore Lecompte and Louis Lecompte might be examined according to the directions of the act of Congress in such case made and provided.

Whereupon I ordered, that the said Isadore Lecompte and Louis Lecompte should be examined before me, de bene esse, at Cahokia, in the county of St. Clair, in the State of Illinois, on the 23d day of January, A. D. 1855, at two o'clock in the afternoon of said day; and the said Isadore Lecompte and Louis Lecompt appearing before me, at Cahokia aforesaid, on this 23d day of January, A. D. 1855, I have therefore proceeded with the said examination.

And the said Isadore Lecompt, being carefully examined and cautioned and duly sworn to testify the truth, the whole truth and nothing but the truth, saith, that he is sixty-six years of age; that he was born in Cahokia, St. Clair county, Ill's, where he has resided up to this time, with the exception of some six years, at different times, from the years 1812 up to 1820, at which time he was a ranger in the United States service in this State, and some part of said time employed as a voyageur for certain Indian traders then stationed on the Illinois river. That he was well acquainted with Antoine and Simon Roi; that they were brothers, and both resided in the village of Peoria, situated on the Illinois river, about the above date; that they were both married and had families while there; that they, Antoine and Simon Roi, both removed to this country shortly after that date; that Antoine Roi died in St. Clair county, left a widow and three children; that Simon Roi's wife died shortly after the death of Antoine Roi, (with whom said Simon Roi had two children); Simon Roi then married the widow of his brother Antoine Roi. That two of the children of said Antoine Roi died, and that one is yet living and residing in St. Clair county, Ill's; her name is Mary, now wife of Touissind Gendron; and that both Antoine and Simon Roi have been dead over twenty years, and left neither father or mother, brother or sister, or descendants of any brother or sisters. That, since the death of said Antoine and Simon and the wife of Simon, who was the widow of his brother Antoine, all of the children of said Simon have died, and all the children of said Antoine, except said Mary Gendron, daughter of said Antoine Roi; and that all of said children have been dead over ten years, and that there is not now, and has not been for more than ten years, any other living descendants or relations of said Antoine and Simon Roi, except said Mary Gendron, who is daughter of Antoine Roy, dec'd.

his
ISADORE × LE COMPT.
mark.

Subscribed and sworn to before me, this 23d Jan'y, A. D. 1855.
NARCISSE PENSONEAU,
Notary Public, St. Clair County, Ill's.

And I further certify, that the foregoing deposition was reduced to writing by me and signed by Isadore Le Compt, and that I am not of counsel or attorney for either of the parties to the said suit, nor am I interested in the event thereof.

Witness my hand and official seal, at the county of St. Clair aforesaid, this 23d day of January, A. D. 1855.

[SEAL.]
NARCISSE PENSONEAU,
Notary Public, St. Clair County, Ill's.

14. Plaintiff offered in evidence a power of attorney from Gendron and wife to Pensoneau, which is as follows:

Power of Att. from Mrs. Gendron and husband.

28th June, 1849.—Know all men by these presents, that we, Toussan Gendron and Maria Gendron, formerly Maria Roi, (daughter of Antoine Roi, deceased,) do hereby constitute and appoint Narcisse Pensoneau, of the county of St. Clair, and State of Illinois, our true and lawful attorney, for us and in our names, to sue and recover, demand, and enter upon, sell, lease, let, and dispose of, as he may deem best, all and every interest derived to us as heirs at law of Antoine Roi, to attend in all matters and things, causing the same as if the same was done by us in person, restricting our said attorney to the following property of which Antoine Roi, dec'd, seized of, in the town of Peoria, in the county of Peoria, State of Illinois, the description of which will more fully appear by report of Edward Coles, register of the land office at Edwardsville, Illinois, to the Secretary of the Treasury, on the 20th day of November, A. D. 1820, and in obedience to the act of Congress, approved the 15th May, A. D. 1820, as lots No. 33 (thirty-three,) and which said lot the said Roy was entitled by virtue of the confirmatory act of Congress, approved the 3d day of March, A. D. 1823, and hereby ratifying and confirming all and every act of our said attorney, in the disposition of whatsoever kind the same may be in the above premises.

In testimony whereof we have hereunto set our names and seals, this 3d day of March, A. D. 1849.

TOUSSANT GENDRON, [SEAL.]
her
MARY ⋈ GENDRON. [SEAL.]
mark

Done in presence of Francois La Croix.

State of Illinois,
County of St. Clair, ss:

I, François Lacroix, acting justice of the peace of said county, do certify that Toussaint Gendron, and Mary his wife, whose signatures appear to the foregoing instrument of writing, and who are personally known to me to be the persons described in and who executed the same, did severally acknowledge*d* that they had executed the said power*s* of conveyance, for the uses and purposes therein mentioned, and the said Mary Gendron having been by me made acquainted with the contents of the said power of conveyance, and examined separate and apart from her said husband, did acknowledge that she executed the same freely, voluntarily, and without compulsion of her said husband, and does not wish to retract.

Given under my hand and seal, this fifth day of March, A. D. eighteen hundred and forty-nine.

FRANCOIS LA CROIX, [SEAL.]
Justice of the Peace.

State of Illinois,
County of St. Clair.

I, William McClintock, clerk of the county commissioner's court, of the county aforesaid, do hereby certify that François La Croix, whose signature appears to the foregoing certificate of acknowledgment, or instrument of writing, was, at the time of signing the same, namely, the 5th day of March, 1849, an acting justice of the peace, within and for the said county of St. Clair, regular commissioned and qualified, and, as such, full faith and credit ought to be given to all his official acts.

In witness whereof I have subscribed my name and affixed the seal of the aforesaid court, at office in Belleville, this 17th day of April, A. D. 1849.

WM. McCLINTOCK, [seal.]
Clerk C. C. C. St. C. C.

State of Illinois,
Peoria County, ss:

I, Jacob Gale, clerk of the circuit court, and ex-officio recorder, of the county of Peoria, in the State of Illinois, do hereby certify that the foregoing is a full and correct copy from the records of a deed, and of the certificates thereto, as the same stand recorded on pages 224 and 225, in book V, in said recorder's office.

In witness whereof I hereto set my hand and affix the seal of said court, at my office, in Peoria, this twenty-sixth day of November, in the year of our Lord one thousand eight hundred and fifty-three.

[seal.]

JACOB GALE,
Clerk and Recorder.

15th. A deed from Pensoneau, as the attorney of Gendron and wife, to Tesson & Rankin, which is as follows:

Deed from Gendron and wife.

June 28th, 1849.—This deed, made this 20th day of June, A. D. 1849, witnesseth, that Tousant Gendron and Mary Gendron, his wife, (who claim to be the heirs of Antoine Roi, dec'd, and only heirs of said dec'd,) by their attorney in fact, Narcisse Pensoneau, of the county of St. Clair, State of Illinois, have, for and in consideration of the sum of fifty dollars, to them in hand paid by Edward P. Tesson, of the city of St. Louis, State of Missouri, and John Rankin, of the town of Peoria, and county of Peoria, in the State of Illinois, the receipt of which is hereby acknowledged, doth grant, bargain and sell, convey and confirm, unto the said Teson and Rankin, their heirs and assigns, forever, all the right, title, and interest of the said named parties claiming the same as the heirs of said Antoine Roi, dec'd, in and to a certain lot or tract of land, lying and being situated in the French part of the town of Peoria, county of Peoria, which lot is supposed to contain above one-half acres of land, which is more particularly described in Edward Coles' register's report, dated at Edwardsville, Ill's, the 20th November, A. D. 1820, to the Secretary of the Treasury, which was made in conformity to act of Congress, passed and approved the 23d day of March, 1820, (said lot more particularly described in Brown's survey and plat as lot No. 33, thirty-three,) to have and to hold the aforesaid lot, together with all and singular the privileges and appurtenances thereunto belonging, or in anywise appertaining, unto the said Tesson and Rankin, their heirs and assigns, forever; and the said party of the first part do covenant, on their part, to warrant any claim or demand whatsoever, claimed through or under them, but none other.

In witness whereof the said parties of the first part, by their attorney in fact, Narcisse Pensoneau, *has* hereunto set their hands and seals, the day and year first above written.

TOUSAINT GENDRON, [L. S.]
MARY GENDRON. [L. S.]
By their Attorney, NARCISSE PENSONEAU.

STATE OF ILLINOIS,
County of Peoria, ss:

I, William McClintock, clerk of the county commissioner's court, of the county aforesaid, do certify that Narcisse Pensoneau, whose signature appears to the foregoing deed, as having executed the same, and who is personally known to me to be the person described in, and who executed the aforesaid deed, this day personally appeared before me and acknowledged that he executed the said conveyance freely and voluntarily, for the uses and purposes therein mentioned.

In witness whereof I have hereunto subscribed my name and affixed the seal of the aforesaid court, at office, in Belleville, this 20th day of June, A. D. 1849.
[SEAL.]

WM. McCLINTOCK,
Clerk C. C. C. St. C. C.

STATE OF ILLINOIS,
Peoria County, ss:

I, Jacob Gale, clerk of the circuit court, and ex-officio recorder, of the county of Peoria, in the State of Illinois, do hereby certify that the foregoing is a full and correct copy from the records of a deed, and of the certificates of acknowledgment thereof, as the same stand recorded on pages 225 and 226, in book V, in said recorder's office.

In testimony whereof I have hereto set my hand, and affix the seal of said court, at my office, in Peoria, this twenty-fifth day of November, in the year of our Lord one thousand eight hundred and fifty-three.
[SEAL.]

JACOB GALE,
Clerk and Recorder.

Defendant then, to maintain the issue on his part, read in evidence—1st. He read a certificate of pre-emption, which is as follows:

Certificate of Pre-emption.

Land Office, Quincy, Ill., 12*th April*, 1836.

I, Samuel Alexander, register of said office, do hereby certify that on the 28th day of July, 1832, Charles Ballance claimed and established a right of pre-emption to the southwest quarter of section No. nine, township eight north of the base line, and range eight east of the 4th principal meridian, as appears by documents on file in my office. Given from under my hand and seal the day and year aforesaid.

SAM'L ALEXANDER, *Register.* [seal.]

2d. He then read a receipt, which is as follows:

Duplicate Receipt.

Pre. Act, 1834.

No. 13,293. Receiver's Office, Quincy, Illinois,
27*th November*, 1837.

Received from Charles Ballance, of Peoria county, Illinois, the sum of one hundred and eighty-four dollars and twenty-eight and ¾ cents, being in full payment for the southwest fractional quarter of section No. nine, township No. eight north of the base line, of range No. eight east of the 4th principal meridian, containing one hundred and forty-seven acres and $\frac{43}{100}$ of an acre, at the rate of one dollar and twenty-five cents per acre.

$184 28¾. THO. CARLIN, *Receiver.*
(Duplicate.)

Endorsed: Filed April 6th, A. D. 1854, and recorded in book G A, page 142.

JACOB GALE, *Recorder P. Co.*

3d. He then read in evidence a certificate of purchase, which is as follows:

Certificate of Entry.

U. S. Land Office, Quincy, Ill.,
27*th November*, 1837.

I do hereby certify that Charles Ballance, of Peoria county, in the State of Illinois, did this day enter or purchase, at this office, the southwest fractional quarter of fractional section No. 9, in township No. 8 north, of range No. 8 east, of the 4th p. meridian, containing one hundred and forty-seven and $\frac{43}{100}$ acres, certificate No. 13,293, as appears of record in this office.

SAM'L LEECH, *Register.*

Endorsed: Filed April 6th, A. D. 1854, and recorded in G A, page 142.

JACOB GALE, *Recorder P. Co.*

4th. He read a deposition of Aquilla Moffatt, which is as follows:

Deposition of A. Moffatt.

UNITED STATES OF AMERICA,
Northern District of Illinois, ss.

Be it remembered, that on the 5th day of June, A. D. 1855, Charles Ballance personally appeared before me, George S. Blakely, a notary public, duly appointed and qualified, and acting as such, in the county of Peoria, and State of Illinois, and made oath to the truth of the annexed affidavit, and subscribed his name to the same in my presence, and filed it with me, and thereupon requested me to take the deposition of said Moffatt, to be read on behalf of said defendant in said action of ejectment; whereupon I ordered that said Purple should be notified that on the eleventh day of June, A. D. 1855, between the hours of nine o'clock a. m. and six o'clock p. m. of said day, said deposition would be taken before me, at the office of Johnson & Blakely, in the city of Peoria; which notice was accordingly given to said Purple. And afterwards, to wit, on the day and year last aforesaid, between the hours aforesaid, said witness being produced before me, and being first duly sworn to speak the truth, the whole truth, and nothing but the truth, so far as he should be interrogated, answered as follows to the following interrogatories, that is to say:

Interrogatory 1st. What is your age, and where do you reside?

Ans. My age is fifty-three years; I reside three miles below Peoria.

2d. How long have you resided that near Peoria, and have you been all that time acquainted in and about Peoria?

Ans. I have resided there since 1830, and have been acquainted in and about Peoria since the year 1822.

Question 3d. Are you acquainted with Charles Ballance; and if yes, how long have you known him?

Ans. I am acquainted with him, and have known him since the spring of 1832.

Question 4th. What do you know, if anything, with regard to the possession of the southwest fractional quarter of section nine, in township eight north, of range eight east, of the fourth principal meridian, by said Charles Ballance?

Ans. I knew of said Charles Ballance being in possession of said land in the summer of 1832, and has cultivated a portion of it ever since that time; he has had forty acres under cultivation for years, for ten years at least.

Question 5th. State, if you know, where said Ballance has resided since you have known him, and whether he is single or has a family, and whether he has been a housekeeper?

Ans. When I first knew him he was a single man. In the year 1834, as I recollect, he brought his sister here, who kept house for him afterwards in a yellow frame-house near the Illinois river, on another fraction of the same section, and lived there until he moved where he now lives, which is about ten or twelve years since, and has lived there since;

his present residence is on southwest quarter of section nine, in same township.

Question 6th. When you came to Peoria, could you or not trace out the improvements of the ancient French inhabitants by their cellars, remains of chimneys, &c., or had they all disappeared?

Ans. When I came to Peoria, they were plain to be seen.

Question 7th. State, if you please, whether any of their houses were situated further down the river than the avenue reaching from said Ballance's house to the river, called Ballance's avenue, or were they all above said avenue?

Ans. Some of them were further down than that.

AQUILA MOFFATT.

And I further certify that the preceding deposition was reduced to writing by me, and signed by the said Aquila Moffatt in my presence; and that I am not of counsel or attorney for either of said parties, and have no interest in the event of said suit.

GEORGE S. BLAKELEY, [SEAL.]
Notary Public.

5th. He read a deposition of Almiron S. Cole, which is as follows:

Deposition of A. S. Cole.

Question 1st. Do you know Charles Ballance; if yes, how long have you known him?

Ans. I do know him, and have known him for 17 or 18 years.

Ques. 2d. Where did said Ballance live when you first knew him; and where has he lived ever since?

Ans. He lived in town of Peoria, and county of Peoria, and State of Illinois, and lives there now; he resided, the first year that I knew him, near Fort Clark, in said town; he resided there until the year 1844, when he moved to where he now resides, on the southwest quarter of section nine, in township eight north, range eight east, in said county.

Ques. 3d. What do you know (if anything) respecting said Ballance's possession of said southwest quarter before he commenced residing thereon?

Ans. I knew of said Ballance cultivating a portion of said land every year, from the time that I came to the country up to the present time, or previous to the year 1844; he built a house on said land, which he now resides in.

Question 4th. Did you ever improve any portion of said tract under a lease from said Ballance; if yes, state what part, when, and in what manner you occupied it?

Ans. Under a lease of ten years, with privilege of renewal; I enclosed two hundred feet on railroad running to Illinois river, being lot three in block forty-seven in Ballance's addition to Peoria, and put a distillery and other improvements on it, which I afterwards sold to Sylvanus Thompson, and now occupied by Richard Gregg, son-in-law to said Thompson, and his administrator; I also enclosed, under another lease, a tract on the lower side, and adjoining same piece, and running from railroad to said river, including part of block sixty-seven and sixty-eight; said Thompson occupied said land at the time of his decease; and that said Gregg acted with said Thompson up to the time of his decease; and that said Gregg has occupied said land since the decease of said Thompson.

A. S. COLE.

6th. He read a deposition of Isadore Le Compt, which is as follows:

Deposition of Isadore Le Compt.

Question 1st. How many wives had Antoine Roi, and what were their names?

Answer. He had two wives; the first was, I believe, Josette Liernore, and the other was Louise Myet.

Ques. 2d. How many children had he by each of his wives, and what were their names respectively?

Answer. I think he had three children by his first wife, namely, a boy named Ambroise, another boy named Antoine, and a girl, afterwards married to Balthazar Latour; by his second wife he had a daughter named Maria.

Quest. 3d. Did you know a son of said Antoine that was named Ambrose; if yes, do you know of his being married to any one, and to whom?

Answer. I knew Ambrose well; he lived with me; and I know that he was married to a Margaret Laverdeur.

Quest. 4th. Did you ever know Paul Delonchamps, (called by the French Polyte, properly Hypolite); if yes, was he not married to a daughter of Simon Roi?

Answer. I knew him, and I knew that he was married to a daughter of Simon Roi.

Quest. 5th. Do you not know that, after said Delongchamps lost his first wife, he married a Miss Chatrand?

Answer. I know that after the death of his first wife he married a Susan Chartrand.

Quest. 6th. Do you not know that he had children by both said wives? if you say yes, give their names.

Answer. I know he had children (one or two) with his first wife, but do not recollect their names; I don't recollect that he had children by his second wife.

Quest. 7th. Did you not swear, in a deposition taken by John Winstanly, a justice of the peace, that Louis Latour was a grandson of said Antoine Roi; and is not that the truth?

Answer. I believe I did state so, and I believe it to be the truth.

Quest. 8th. Do you know of any other matter or thing that would be of use to either party in the above entitled cause?

Answer. I believe I do not.

his
ISADORE ⋈ LE COMPT.
mark.

I certify that the preceding deposition was reduced to writing by me, and signed with his mark after reading the same to him by the said Isadore Le Compt; that I am not of counsel or attorney for either of the parties to said suit, nor am I interested in the event thereof.

In testimony whereof, I have hereunto set my name and affixed my notarial seal this fifteenth day of September, A. D. 1855.

THEODORE M. WALSH, [SEAL.]
Notary Public.

7th. He read a deposition of Mrs. Glodon, which is as follows:

Mrs. Glodon's Deposition.

Be it remembered, that on the first day of November, 1854, at o'clock of said day, at my office, in St. Clair county, Ill., Charles Ballance personally appeared before me, Theodore M. Walsh, a justice of the peace and also a notary public in and for said county, and made oath that the said Charles Ballance was virtually the defendant in a suit then pending in the circuit court of the United States for the State and district of Illinois wherein Edward P. Tesson was plaintiff and Richard Gregg was defendant (said Richard Gregg being his [Ballance's] tenant;) that the testimony of Madaline Glodon and Touissant Gendron was material and necessary for him, the said Ballance, in the defence of said suit, and that the said Madaline Glodon and Touissant Gendron lived in St. Clair county, in the State of Illinois, more than one hundred miles from Chicago, where the court at which he, the said defendant, expected the said cause to be tried, was appointed by law to be held; that the said Edward P. Tesson, the above named plaintiff, resided out of the said State of Illinois, more than two hundred miles from the said place where said cause is expected to be tried; and the said Norman H. Purple, the attorney of said Edward P. Tesson, lives at Peoria, about one hundred and seventy miles from said St. Clair county. And the said Charles Ballance requested me that the said Madaline Glodon and Touissant Gendron might be examined according to the act of Congress in such case made and provided. Wherefore I ordered that the said Madaline Glodon and Touissant Gendron should be examined de bene esse before me—the said Madaline at her house in St. Clair county, and the said Tousant at Cantine village, in said county and State.

The said Charles Ballance appearing before me at the times and places aforesaid, I have proceeded with the said examination.

And the said Magdaline Glodon, being carefully examined and cautioned, and duly sworn to testify the whole truth, and nothing but the truth, saith:

Inter. Did you or not ever live in Peoria, in the State of Illinois? and if yea, when?

Ans. I lived in Peoria for sixteen years up to the year A. D. 1812.

Inter. Did you or not know Simon Roi and Antoine Roi there?

Ans. Yes.

Inter. Did you or not know that Antoine Roi was married? and if yes, state how often, and the names of his wife or wives.

Ans'r. I know that Antoine Roi was married twice; firstly to Miss Levarnois, and subsequently to Miss Myette.

Inter. Had he or not any children by his first wife? and if yes, what were their names?

Ans'r. I know that he had two children by his first wife, but do not remember their names; but know that one of them was a daughter and married a man named Latour.

Inter. Do you or not know that he had children by his second wife? and if yes, how many?

Ans. I don't know.

Inter. Do you or not know when Antoine Roi died?

Ans'r. I know he died at Illinoistown, but don't recollect when, but think he died about eighteen or twenty years ago.

Inter. Do you or not know how many wives Simon Roi had, if any, and what were their names?

Ans'r. I know that he had been married twice; firstly to Margaruite Ledoux, and afterwards to Mrs. (widow of) Antoine Roi.

Inter. How many children had he by his first wife, and what were their names?

Ans'r. Two; a son named Simon and a daughter named Margaruite.

Inter. State if the said Margurite was ever married; and if so, to whom?

Ans'r. She was married to Paul Delongschamps.

Inter. Had she or not any children with said Delongschamps?

Ans'r. I heard that she had two, but never saw them.

Inter. How many children had he, the said (Simon) by his second wife?

Ans'r. Shortly after his marriage with his second wife, she (the second wife) had a child, but I don't know whose it was.

Inter. How long after Antoine's death until Simon married his widow?

Ans'r. About fifteen days.

Inter. Do you or not know that she had been in the habit of living with Simon Roi during Antoine's lifetime?

Ans'r. I know that she lived with both alternately.

Inter. How long after Antoine Roi's death until this child was born?

Ans'r. About three months.

Inter. Do you or not know Mary Gendron?

Ans'r. I know her from her childhood.

Inter. Were you present at the time when Antoine Roi was married to her mother?

Ans'r. Yes.

Inter. How old was she (Mary Gendron) when said Roi and her mother were married?

Ans'r. About three or four months.

Inter. Had she (the said Mary's mother) the reputation of indulging other men and living with them before said marriage?

Ans'r. She had such reputation.

Inter. State whether Simon, or his daughter, Margaruite Delongschamps, died first?

Ans'r. Simon Roi died first.

her
MAGDALINE ⋈ GLODON.
mark.

And I do further certify, that the preceding deposition was reduced to writing by me, and signed by the said Magdaline Glodon, and that I am not of counsel or attorney for either of the parties to said suit, nor am I interested in the event thereof.

In witness whereof, I have hereunto set my name and affixed my notarial seal, at the county aforesaid, this 1st day of November, A. D. 1854.

[SEAL.] THEODORE M. WALSH,
Justice of the Peace and Notary Public.

8th. He read a deposition of Mrs. Gendron, which is as follows:

Mrs. Gendron's Deposition.

Question 1st. Were you ever acquainted with Simon Roi, who, previously to 1812, lived in Peoria? If yes, when did you know him, and what means had you of being intimately acquainted with him and his family?

Answer. I knew him well; he was my step-father; I lived with him until I was married, about twenty-six years since, and he lived with me until he died, afterwards, about 24 years since.

Ques. 2d. Was said Roi ever married? If yes, how often was he married, and what *were* the *names* of his wife, or the names of his wives, if he had more than one?

Answer. He was married twice; his first wife was Margaret; her surname I don't recollect; his second wife was Louise Myett, my mother.

Question 3d. If, in answer to the last above interrogatory, you said Roi was married, state whether he had any children; and if yes, give their names; and if he had children by more than one wife, give the names of those by each wife?

Answer. He had two children by his first wife, named Simon and Margaret; Simon died unmarried, and without issue; and Margaret married Paulette Delongchamps; Margaret had children, but she survived them, and her husband survived her; he had four children with his second wife; all died young, and before him, except one, viz: Angelique, who survived him. None of the said four last children left any issue.

Ques. 4th. If you state that said Roi had children, state whether any of them were ever married; and if yes, to whom were they severally married?

Answer. One only of his children was married; that is Margaret, who was married to Paulett Delongchamps.

Question 5th. If you say that any of the children of said Roi were ever married, please state whether any of them had children; and if yes, which of them, and what were their names?

Answer. No children survived them; that is, the children of said Simon Roi had no children who survived them, to my knowledge.

Ques. 6th. Do you know any other matter or thing that would be of benefit to either of the above parties?

Answer. I don't suppose I know any other matter that would be of any other benefit to the parties, or either of them.

her
MARY × GENDRON.
mark.

State of Illinois,
St. Clair County, ss.

I, T. M. Walsh, a notary public, commissioned and qualified, and acting as such in the county and State aforesaid, do hereby certify, that it appearing to my satisfaction that the facts stated in the annexed affidavit this day filed with me are true, I ordered the deposition of said Mary Gendron to be taken upon the within and annexed interrogatories; and that said witness being duly sworn, according to law, answered the above interrogatories one by one in the order in which they stand, and that her answers were carefully committed to writing by me, and that I have no interest in the matter in controversy in the above entitled cause, nor am I attorney nor of counsel for either of said parties.

Witness my hand and seal notarial, this 28th day of June, A. D. 1855.

THEODORE M. WALSH, [seal.]
Notary Public for St. Clair Co., Ill.

9th. He then read the deposition of Mr. Walsh, which is as follows:

In the Circuit Court of the United States, for the northern district of Illinois.

Edward P. Tesson
vs. } In Ejectment.
Richard Gregg.

Deposition of Mr. Walsh.

The deposition of T. M. Walsh, taken before me, commissioner of the United States for the State of Illinois, by agreement of parties, at the residence of said witness, in the town of Cahokia, in the county of St. Clair, and State of Illinois, on this 25th day of June, A. D. 1855.

T. M. Walsh, being first duly sworn, deposes, and in answer to the interrogatories propounded to him, as follows, to wit:

Interrogatory 1st. Do you hold any office of honor or profit, under the authority of the State of Illinois; if yes, what?

Ans. I hold the office of notary public and justice of the peace for the county of St. Clair *county*, in said State.

Int. 2d. Did or not Charles Ballance, at any time, make an effort to take the deposition of François Noise, before you, as notary public? if yes, state whether it was done, and what passed between said Ballance and said Noise, on that occasion.

Answer. I recollect that in the fall of 1854, François Noise was called before me to testify in this case; I believe he stated that he wanted ten dollars before he would give his deposition, stating, at the same time, that he was paid twenty dollars by the opposite party, and said he was oftentimes paid more by others. Ballance refusing to give him ten dollars, he refused to give his deposition.

The above question and answer objected to.

Int. 3d. Where does Mr. Noise live?

Answer. He lives in Cahokia, in St. Clair county, Illinois.

Inter. 4th. Does Mr. Noise follow any other business for a livelihood than as a witness?

Answer. Mr. Noise tells me that he is frequently in Saint Louis, attending the land courts and other courts, as a witness; I know of no other business he has.

Ques. 5th. State whether or not, on the occasion referred to in the second interrogatory, said Noise said that he had on one occasion been paid one hundred and fifty dollars by one party, and fifty dollars by the other party, as a witness? if not, state, as well as you can recollect, what he stated on that subject.

Answer. I recollect that he made statements somewhat similar to those stated in this interrogatory, but do not recollect precisely the amounts he stated that he had received, but think they were near the amounts above stated.

Cross-examination.

Inter. 1st. What is your age?

Answer. My age is over twenty-seven years.

Inter. 2d. What is your place of nativity?

Answer. Ireland.

Inter. 3d. How long have you resided in Cahokia?

Ans. This is the sixth year.

Inter. 4th. What is your mother tongue?

Ans. English.

Re-examination resumed.

Int. 1st. Do you or not understand the French language?

(Objected to.)

Ans. Yes; I believe so.

Int. 2d. State whether or not the French language was the mother tongue of your wife.

(Objected to.)

Ans. Yes, it was.

T. M. WALSH.

I, A. L. Merriman, commissioner of the United States, within and for the State of Illinois, do hereby certify, that on this day, at the residence of T. M. Walsh, in the town of Cahokia, in the county of St. Clair, in the State of Illinois, the foregoing deposition was taken, subscribed and sworn to before me by the above named deponent.

In testimony whereof, I have hereunto set my hand and seal, this 25th day of July, A. D. 1855.

A. L. MERRIMAN,
U. S. Commissioner for Illinois.

10th. He read the deposition of Aspasia Johnson.

In the Circuit Court of the United States for the northern district of Illinois.—Of the December term, 1855.

Edward P. Tesson }
vs. } Ejectment.
Richard Gregg. }

List of interrogatories to be propounded to Etienne Delill, Socia Delill, Aspasia Johnson and Mary Lafaine, on behalf of defendant.

Interrogatories to Espasia Johnson and others.

1st. State how long you have resided, if ever, in the village of Portage des Sioux and its immediate vicinity.

2d. Did you ever know two brothers, by the name of Simon Roi and Antoine Roi, to live at Portage des Sioux; if yes, about what time did you know them there, and where did they come from when they came there, and where did they go to when they left there?

3d. Had said Antoine a wife when he came there, and what became of her? If he had said wife when he came there, had she any child or children; and if yes, what were their names, if you know?

4th. Did you know a woman by the name of Maria Louise Milett, (pronounced Meyett,) who resided at Portage des Sioux? If yes, state whether she was ever married to said Antoine Roi after the death of his first wife, or did she live with him as his wife?

5th. If you say said Meyett was married to said Antoine Roi, or lived with him as a wife, state whether or not she had a daughter called Mary before she lived with him, and before she pretended to be his wife?

6th. Do you know where said Mary now lives, and to whom she is married? If yes, state.

7th. State, if you know, who was the father of said child Mary, the daughter of said Miss Meyett.

8th. If you do not know positively who was the father of said child, state (if you know) who was its reputed father.

9th. Do you or not know that one Louis Roi, and not Antoine Roi, was her father?

10th. If you say you do not know that said Louis Roi was the father of said Mary, do you or not know that said Louis was reputed to be her father?

11th. Did you or not ever hear either said Antoine, Louis, or said Miss Meyett, allege or pretend, before said Meyett went to live with said Antoine, that he, said Antoine, was the father of said child, or deny that said Louis was her father?

12th. Do you, or do you not, know that said Louis procured said Antoine, after said child was born, to marry the mother and adopt the child, to relieve him, the said Louis, and said Miss Meyett from disgrace?

13th. If you say you do not know that fact, was it or not currently reported to be the fact throughout the neighborhood?

14th. Did you or not ever hear either of said parties deny said charge?

15th. What was the character (if you know) of said Miss Meyett for chastity and virtue?

16th. Did or did not said Miss Meyett live with said Louis Roi, and not with said Antoine Roi, at the time of the birth of said child, and for more than nine months previously thereto?

17th. Did or did not said Louis Roi, Antoine Roi, and Miss Meyett know that it was currently reported in said neighborhood that said Louis was the father of said child, and that said Louis procured said Antoine to marry said Miss Meyett, and adopt said child?

18th. If you say you do not know that they knew said facts, were they or not so currently reported, and so much talked about, that they could not well have avoided knowing that such reports were current?

19th. Was your acquaintance with said parties and the people in said neighborhood sufficiently intimate, at that time, to enable you to speak knowingly on the subject?

20th. Do you know any other matter or thing that would be of any advantage to either of the parties aforesaid? If so, state it.

C. BALLANCE,
Att'y for Defendant.

In the Circuit Court of the United States for the northern district of Illinois.

EDWARD P. TESSON }
vs. }
RICHARD GREGG. }

Cross-interrogatories to be propounded to Etienne Delill, Socia Delill, Aspasia Johnson, Mary Lafaine, in the above cause.

1st. Do you not know that the mother of Mary Gendron and Antoine Roi lived and cohabited together as husband and wife, at Portage des Sioux, and that said Mary lived with them then, and was reputed to be their daughter, and was called so by them? Have you not often heard them call her their daughter, and her call them father and mother?

2d. Do you not know that the mother of Mary and said Antoine Roi lived and cohabited together as husband and wife, in St. Clair county, Illinois, and that said Mary Gendron lived with them there, and was reputed, known and acknowledged to be their daughter, both by them and by their neighbors and acquaintances generally?

3d. What is your age and occupation?

N. H. PURPLE,
Pl'ff's Att'y.

Aspasia Johnson's Deposition.

UNITED STATES OF AMERICA,
Northern District of Illinois, ss:

EDWARD P. TESSON
vs.
RICHARD GREGG.

The deposition of Aspasia Johnson, taken at the office of Henry Leseur, in the village of Portage des Sioux, in the county of St. Charles, at two o'clock on the 19th day of December, 1855, taken pursuant to the annexed commission and interrogatories. Said Aspasia Johnson being produced before me, at the time and place aforesaid, and having been by me sworn true answers to make, and the whole truth, and nothing but the truth to speak, in answer to all the annexed interrogatories, answered as follows, to wit:

In answer to interrogatory No. 1, she says: Ever since I can remember.

In answer to question No. 2, she answers as follows: I knew two men here by the name of Simon Roy and Antoine Roy, I believe about or before 1815, or after. I do not know where they went to when they left here. I understood that they came from Peoria.

In answer to question No. 3, she says as follows: I know that he was a house-keeper; but I was not acquainted with his family.

In answer to question No. 4, she says as follows: I knew Miss Millet; but I do not know whether she was married to Antoine Roy, or lived with him.

In answer to question No. 5, she says as follows: I know that she had a daughter while she lived with her sister, the wife of Louison Roy, and before she was married to anybody.

In answer to interrogatory No. 6, she says as follows: I do not know.

In answer to interrogatory No. 7, she says as follows: I do not know.

In answer to interrogatory No. 8, she says as follows: I do not know. She lived with Louis Roy and his wife, and some persons suspected him to be the father of the child.

In answer to interrogatory No. 9, she says as follows: I do not know.

In answer to interrogatory No. 10, she says as follows: I know that some persons suspected him.

In answer to interrogatory No. 11, she says as follows: I have no recollection of it.

In answer to interrogatory No. 12, she says as follows: I do not know.

In answer to interrogatory No. 13, she says as follows: I do not recollect.

In answer to interrogatory No. 14, she says as follows: I do not recollect.

In answer to interrogatory No. 15, she says as follows: She bore a good character until she had her child.

In answer to interrogatory No. 16, she says as follows: She lived with her sister and her sister's husband, Louis Roy, when the child was born and for years before.

In answer to interrogatory No. 17, she says as follows: I do not know.

In answer to interrogatory No. 18, she says as follows: I do not recollect.

In answer to interrogatory No. 19, she says as follows: I was acquainted with Miss Millet before the occurrence took place, but not after.

In answer to interrogatory No. 20, she says as follows: I do not know.

In answer to the 1st cross-interrogatory propounded by N. H. Purple, plaintiff's attorney, and hereto attached, she answered: I do not know, and never knew the parties after they left here. I was never acquainted with Miss Millet after she had her child.

In answer to the 2d cross-interrogatory, she says: I never knew them there.

In answer to the 3d cross-interrogatory, she says: I was born the 30th January, 1800. My occupation is to sew, and raise my family.

And further deponent saith not.

ASPASIE JOHNSON.

11th. He then read the deposition of Mary Lafaine, which is as follows:

Deposition of Mary Lafaine.

Also the deposition of Mary Lafaine, taken at the same time and place, to be read in the same cause. Said Mary Lafaine being produced before me, at the time and place aforesaid, and being by me sworn true answers to make, and the whole truth and nothing but the truth to speak in answer to all the annexed interrogatories, answered as follows, to wit:

In answer to interrogatory No. 1, she says: I believe over fifty years.

In answer to interrogatory No. 2, she says as follows: I knew them, I think, thirty or more years ago, perhaps forty; I believe they came from Peoria; I do not know where they went to after they left here.

In answer to interrogatory No. 3 she says: I do not know whether he had a wife or children; I believe he kept house in this village.

In answer to question No. 4 she says: I knew Miss Millet by reputation, but not personally.

In answer to question No. 5 she says: I heard that she had a child before she was married with Roi, but I do not know personally that she had the child, or that she was married.

In answer to question No. 6 she says: I do not know.

In answer to question No. 7 she says: I do not know.

In answer to question No. 8 she says: Many persons thought it was Louis Roy who was the father.

In answer to question No. 9 she says: I heard that persons said that Louis Roy was the father, but do not know.

In answer to question No. 10 she says: I heard it said that Louis Roy was the father.

In answer to question No. 11 she says: I never did.

In answer to question No. 12 she says: I do not know.

In answer to question No. 13 she says: I heard so, at the time, but I believe it was not generally believed.

In answer to question No. 14 she says: No.

In answer to question No. 15 she says: I know nothing of her reputation, besides her having a child, which I heard.

In answer to question No. 16 she says: I do not know where she lived.

In answer to question No. 17 she says: I do not know.

In answer to question No. 18 she says: I do not know.

In answer to question No. 19 she says: I did not know the woman; the men I knew by sight, but had no acquaintance with them.

In answer to question No. 20 she says: It was a common neighborhood talk, that when Antoine Roy was married, it was with Miss Millet; that he carried the child in his arms to legitimise it.

In answer to 1st cross-interrogatory propounded by N. H. Purple, plaintiff's attorney, and hereto attached *attached,* she answered: I do not know.

In answer to 2d cross-interrogatory propounded, she says: I do not know.

In answer to 3d cross-interrogatory she says: I will be sixty-six the 11th of next February; my occupation is to take care of my family.

Further deponent saith not.

her
MARY ⋈ LEFAINE.
mark.

12th. He then read the deposition of Etienne Delill, which is as follows:

Delill's Deposition.

Also the deposition Etienne Delill, taken at the same time and place, to be read in the same case. Said Etienne Delill being produced before me, at the time and place aforesaid, and being by me sworn true answers to make, and the whole truth and nothing but the truth to speak, in answer to all the annexed interrogatories, answered as follows, to wit:

In answer to interrogatory No. 1 he says: I lived here since 1814.

In answer to interrogatory No. 2 he says: Yes, they were residing here when I came here; my impression was that they were Canadians, but came from Peoria here; I heard that they went to Kahokia from here.

In answer to interrogatory No. 3 he says: Antoine Roy had a wife when I first knew him; she died here; she had two children by him, two boys; one was named Ambrose—the other I do not know his name; he was nick-named cat's-eye, because of his having a defect in one eye.

In answer to interrogatory No. 4 he says: I knew Maria Louise Millet, who resided here; I heard it said at that time that she was married to Antoine Roy after the death of his first wife; she lived with him as his wife, and they went away together.

In answer to interrogatory No. 5 he says: I heard at the time that she had a child before she got married with Antoine Roy; shortly after, as soon as she got well, that she got married with Roy; I do not know exactly how long, but I think not over three months.

In answer to interrogatory No. 6 he says: I heard that she married Toussaint Gendron, but do not know it of my own knowledge.

In answer to interrogatory No. 7 he says: I do not know.

In answer to interrogatory No. 8 he says: I do not know.

In answer to interrogatory No. 9 he says: I do not know.

In answer to interrogatory No. 10 he says: There were persons who said so at the time, but I cannot say that it was general.

In answer to interrogatory No. 11 he says: I never did. I did not frequently see them, except at church.

In answer to interrogatory No. 12 he says: I do not know.

In answer to interrogatory No. 13 he says: I heard it at the time, but cannot say that it was general.

In answer to interrogatory No. 14 he says: I did not.

In answer to interrogatory No. 15 he says: I never knew anything wrong in her character, except having that child, either before or after.

In answer to question No. 16 he says: She lived with her sister and her brother-in-law, Louis Roi, several years before the birth of the child, and was living with them at the time.

In answer to question No. 17 he says: I do not know.

In answer to question No. 18 he says: As far as I know, they may have been ignorant of it.

In answer to question No. 19 he says: I cannot tell.

In answer to question No. 20 he says: I do not know anything that may be of benefit to either party.

In answer to 1st cross-interrogatory, propounded by N. H. Purple, plaintiff's attorney, and hereto attached, he answered: When they left here the child was very young, and not able to speak. I was not enough with them to know that they called it their child.

In answer to 2d cross-interrogatory he says: I did not know them after they left here.

In answer to 3d cross-interrogatory he says: I am 70 years old the 1st of next month. I am a miller, or do any other work to make a living.

Further deponent saith not.

his
ETIENNE ⋊ DELILLE.
mark.

STATE OF MISSOURI,
St. Charles County, ss.

I, Henry Lesieur, a justice of said county, and commissioner of the United States to take the above depositions, by the annexed commission for that purpose appointed, do hereby certify, that the foregoing depositions were by me taken, at the time and place aforesaid, and that said witnesses were by me severally sworn as aforesaid, and subscribed their names to said depositions severally in my presence. I further certify, that each interrogatory accompanying said commission was propounded to each of said witnesses, and the answer thereto committed to writing before the following interrogatory was propounded; and that all of said answers were committed to writing by me; and that I am not of counsel to either of the parties to said suit, nor am I in anywise interested in the event of said suit. I further certify, that I called on said Socia Delill to take her deposition, and found her in bed, sick, and too unwell to give her deposition.

Witness my hand and seal, at my office in Portage des Sioux, in St. Charles county, in the State of Missouri, the date aforesaid.

HENRY LESIEUR, [SEAL.]
Justice of the Peace and Com'r, &c.

13th. He then read the deposition of Eliazer Vignoret, which is as follows:

Vignoret's Deposition.

Interrogatories to be propounded to Eliazer Vignoret, a witness to be examined on the part of the defendant.

Question 1st. Are you or are you not acquainted at Cahokia, in the county of St. Clair, Ill's? If you say you are, state whether there is a Catholic church at that place; and if you state that there is a Catholic church there, state who is the officiating priest of said church.

Question 2d. If you say there is a Catholic church at that place, state whether in said church a record is kept of the births, deaths, marriages and baptisms of the parishioners of said church.

Question 3d. If you say that there is such a record kept in said church, state who has the custody of said record.

Question 4th. If you say there is such a record, and that you have the custody thereof, please examine the same, and give here an exact copy of any entry that occurs therein concerning Simon Roi and his second wife, who had been a Miss Myette, but was afterwards the wife of Antoine Roi; also, give correct copies of any entries that may be found in said record respecting the births or deaths of any of said Simon Roi's children.

Cross Interrogatories.

1st. If you know anything of benefit to the plaintiff in this suit, state the same fully.

2d. Are you a priest of the Catholic church at Cahokia; if so, how long have you officiated as such, at that place?

Deposition of Eleazer Vignonet, of the county of St. Clair, and State of Illinois, taken on the 18th day of June, A. D. 1856, at 12 o'c. m., at the office of Theodore J. Krafft, commissioner, pursuant to the enclosed commission, to be read as evidence in a case pending in the circuit court of the United States for the northern district of Illinois, wherein Edward P. Tesson is plaintiff, and Richard Gregg is defendant, as follows:

The said Eleazer Vignonet being duly sworn, deposes and says as follows:

1st question. A. I am acquainted at Cahokia, in St. Clair county, State of Illinois; there is a Catholic church at Cahokia, and I myself, Eleazer Vignonet, am the officiating priest of said church.

2d question. A. There is a record kept at that church of the births, deaths, marriages and baptisms of the parishioners.

3d question. A. The priest of the church at the present time myself.

4th question. I have examined the record, and the annexed exhibit marked I is a correct copy of the marriage of Simon Roi with Miss Marie Louise Miette, who was, at the time of her marriage with Simon Roi, the widow of Antoine Roi. Exhibit No. II is a correct copy of the baptism of Angelique, the daughter of Simon Roi and Marie Louise Myette. Exhibit No. III is a correct copy of the death of Simon Roi.

Cross Interrogatories.

1st interrogatory. A. I do not know that I know anything else of benefit to the plaintiff or defendant, besides that what I stated.

2d int. A. I am a priest of the Catholic church at Cahokia, and have officiated there for about fourteen months.

E. VIGNONET.

STATE OF ILLINOIS,
St. Clair County.

I, Theodore J. Krafft, a justice of the peace of St. Clair county, State of Illinois, do hereby certify that Eleazer Vignonet was by me carefully examined and cautioned and sworn to testify the whole truth in the above case, and that the foregoing deposition by him subscribed was reduced by me to writing in the witness's presence, and taken at my office in Belleville, St. Clair county, Illinois, on the 18th day of June, A. D. 1856, at 12 o'c. m.

Witness my hand and seal.

THEOD. J. KRAFFT, *J. P.* [SEAL.]

Extract from the Register of the parish of Cahokia.

The 27th of May, 1827.—I, the undersigned, have given the nuptial benediction at the marriage between Simon Roi, son of Simon Roi and of Eleanore Lafranchise, of one part, and Marie Louise Miette, daughter of J. B. Miette and Mary Delanglot, married civilly five years since, I having accorded to them a dispensation for the obstacle of relationship in the 2d degree, in virtue of my power. The witnesses have been Simon Bertrand and Touissaint Chartrand.

(Signed) JOSEPH ANTOINE LUTZ,
Missionary Priest.

Mark of Toussaint Chartrand ⋈.
Mark of Simon Betrand ⋈.

(These two persons have satisfied their neighbors or friends in asking pardon publicly in the church.)

A true copy:

E. VIGNONT, *Curé*.

Cahokia, 18th June, 1856.

Extract from the Register of the parish of Cahokia.

The 17th April, 1831.—I, the undersigned, have baptized Angelique, born the 12th of Feb., of the legitimate marriage of Simon Roi and of Marie Louise Miette. The godfather and godmother were Charles Antoine Roi and Marie Louise Antoine Roi, who have not been able to sign.

(Signed) P. T. DONTELINQUE, *R. S. M.*

A true copy:

VIGNONT, *Curé*.

The 28th Dec'r, 1831.—I, the undersigned, have buried in the cemetery of this parish the body of Simon Roi, aged about 50 years, who died suddenly.

(Signed) P. T. DONTELIQUE.

A true copy:

E. VIGNONT.

14th. He read a certified copy of the claim and affidavits filed at the land office at Edwardsville, in 1820, as the foundation of this claim, and also the affidavit upon which the patent issued, which are as follows:

Records from Edwardsville.

The following is a true copy, so far as relates to claims Nos. 29 and 33 of village lots in Peoria, of the report of the register of the land office at Edwardsville, Illinois, made to the Secretary of the Treasury of the United States, under and by virtue of the act of Congress, entitled An act for the relief of the inhabitants of the village of Peoria, in the State of Illinois, approved May 15th, 1820, to wit, No. 29.

Simon Roi, in right of his wife, who was the wife of the late Charles Le Doux, of Peoria, claims a lot in Peoria, containing about one half of an arpent of land, and bounded on the south by a lot of Antoine Roi, on the north by the lot of Francis Dupre, and on the east and west by streets.

Proof.

Duzy Blondeau and Jean Baptiste Blondeau testify on oath, that Charles Le Doux made an improvement on the above described lot, in the year 1793, and continued to reside on and cultivate the same until his death; that the above named Simon Roi married the widow of the said Charles Le Doux, about the year 1799, and that they, the said Roi and wife, continued to reside on and cultivate the said lot until about the year 1808 or 1809, when they removed from Peoria.

(No. 33.)

Antoine Roi claims a lot in Peoria, containing about one half of an arpent of land, and bounded northwardly by a lot of Charles Le Doux; eastwardly by a street separating it from the Illinois river; southwardly by unoccupied land, and westwardly by a street.

Proof.

Michael De Clare and Simon Roi testify on oath, that Antoine Roi, in the year 1793 or 1794, built a house on and cultivated as a garden the above described lot, which contained about one half of an arpent of land, and on which he continued to reside and cultivate for five or six years, when he abandoned it and removed from Peoria.

To the Register of the Land Office at Edwardsville.

27th June, 1820.

Sir: Please take notice, that I claim the following lots in the village of Peoria, in the State of Illinois: one lot in said village, where I lived, adjoining Antoine Roi on the east, and Francis Duprie on the west, and east and west by streets; also one opposite to said described lot, across the street, north of the street, separates the two.

One other, bounded by John Cusoll; on the west by Lewis Buso; on the south a street. Each lot about half an arpent.

Also one lot of ground, about 6 arpens, north of the above described two lots. All of which I make claim to, under the act of Congress of the 15th March, 1820.

his
SIMON ⋈ ROI.
mark.
her
CECILIA ⋈ ROI.
mark.

Test: Ben. Stephenson.

State of Illinois,
Madison County, ss.

Jean Baptiste Blondeau and Duzy Blondeau, being duly sworn, depose and say, that Simon Roi came to the village of Peoria some time during the year 1793, and settled at that place, and soon afterwards made an improvement on a lot and resided on the same for two years, when he abandoned the same. Said lot was situated and bounded southwardly by a street; northwardly by a street; eastwardly by a lot owned by John Coursolle; westwardly by Louis Bisson. Said lot contained one half of an arpent of land. That the said Roi married the widow of Charles Le Doux, and lived with her on the lot formerly owned by said Charles Le Doux; which lot was bounded southwardly by a street, separating it from the river Illinois; eastwardly by François Dupre's; northwardly by a street; westwardly by Antoine Roi. Also one other lot, lying immediately in the rear of the last described lot, and separated from it by a street. Each of which lots contains one half arpent of land.

Also one out-lot, containing about six arpens of land, adjoining to and in the rear of the last mentioned lot of ground. And further, the said Charles Le Doux commenced the improvement of the said last mentioned lots during the year 1793, and improved them till his death; the house and garden on the front lot, stables and out-houses on the rear lot, and the out-lot of six arpens was occupied as a corn-field. That the said Roi married the widow of the said Charles Le Doux, about the year 1799; that the said widow of Le Doux had no child or children, and that the said Roy and his wife occupied said lots in the right of her said husband Le Doux, from the year 1799 till the year 1808 or 1809, and that he believes the said Roy never sold or disposed of the same; and further they say not.

DUZY BLONDEAU.
Somarque ⋈

J. F. Hamtramick,
Act'g Interp'r.
Edward Coles.

Sworn and subscribed before me, this fifteenth day of August, 1820.
JOHN Y. SAWYER, *J. P.*

Affidavits of Mrs. Glodon and Fortier.

STATE OF ILLINOIS,
St. Clair County, ss.

Personally appeared before me, Vital Jarrott, an acting justice of the peace in and for the county of St. Clair and State aforesaid, Mrs. Madaline Glodon and Angelique Fortier, who are both persons personally known by me, and who are known by me to be residents of the aforesaid county and State. And the aforesaid Madaline Glodon and Angelique Fortier make oath before me that they both formerly lived in the village of Peoria when the said village was occupied by the French, and that they were well acquainted with all of the then inhabitants of the said village of Peoria. And the said Madaline Glodon makes oath that she resided with her parents in and about said village of Peoria until and after she was married with her first husband, Antoine Lapanier, who was one of the French settlers of said village, with whom she remained at said place until driven therefrom by force; and that her maiden name was Madaline Lavasseur dit Chamberlain, who was also one of the first French settlers of said village of Peoria. And the aforesaid Angelique Fortier makes oath that she resided with her parents and friends in and about said village of Peoria until married with her first husband Louis Pillette; and that her maiden name was Angelique Wallette, who was also one of the first French settlers of said village of Peoria. And they both state that they were intimately acquainted with the most of the French settlers of said village up to the time that the said place was taken from the French that then inhabited it; and do further state to personally know the following persons to be in possession and peaceable enjoying of certain property which they held in the village of Peoria previous to the capture of same, by purchase from other settlers as well as by possession and settlement, and with whom they have had frequent intercourse ever since that time. They state, Raphael Balange owned and occupied a lot which was the uppermost lot in said place, who has since died and left only one daughter; Antoine Gran Bois owned and occupied a lot in the village of Peoria, joining the above—since dead, and left several children; Louis Pillette claimed out-lots in said place, in right of Angelique Wallette, who is now Angelique Fortier, who states that she is the only heir of the aforesaid Frenier Wallette. They both state, also, that Antoine Roy had and owned some several lots in lower part of said place, and also some out-fields on which he raised their vegetables, which was never doubted but what he owned, and which he remained in possession of until the French left the place. Simon Roy also had and owned some several lots in said village, and also some out-field which was also his, which he kept until the French left the place. Pierre Lavasseur dit Chamberlain had and owned certain lots in said place, which has since died and left children, one of whom is Madaline Glodon, who states that she is the daughter of the aforesaid Lavasseur. Antween Lapance owned and occupied certain lots and fields in and joining said village, who was also a settler in said village, and who they state was the first husband of Mrs. Madaline Glodon (who has since died and left children); and also that they were formerly acquainted with Michael La Croix, who was a settler at said village of Peoria; and that had and owned a lot in said place, and that he has since died and left two children—one a daughter, Adaline, who is now the wife of Samuel B. Chandler, and a son, Rene M. La Croix—and state that these are the only children of the above Michael La Croix, and that they have known them from their infancy, and that their mother is also dead. And the aforesaid persons state that they were, when living at Peoria, and ever since been, intimately acquainted with the persons and descendants of persons that they have mentioned as owners and settlers of the village of Peoria, as they have all resided in the same section of the country with the said Madaline Glodon and Angelique Fortier, and they therefore state that the aforesaid persons mentioned have not received from the general government any donation, grant of land, or confirmation, to the best of their knowledge and belief.

her
MADALINE ⋈ GLODON.
mark.

her
ANGELIQUE ⋈ FORTIER.
mark.

Sworn to and subscribed before me this 11th day of August, A. D. 1845.

VITTAL JARROT, *J. P.* [SEAL.]

STATE OF ILLINOIS,
St. Clair County, *ss.*

I, William McClintock, clerk of county commissioners' court of said county of St. Clair, do hereby certify that Vital Jarrot, whose name is subscribed to the within instrument of writing, was, at the time of signing the same, namely, the eleventh day of August, A. D. 1845, an acting justice of the peace within and for the said county, regularly commissioned and qualified, and as such, full faith and credit are and of right ought to be given to all his official acts. In witness whereof, I hereunto subscribe my name and affix the seal of the said court at office in Belleville, the 12th day of August, A. D. 1845.

WM. McCLINTOCK,
Clerk C. C. C. St. C. C.

EDWARDSVILLE, ILL'S, 1*st September*, 1820.

Notice is hereby given to the register of the land office at Edwardsville that I claim a lot in the village of Peoria, bounded northwardly by a lot occupied by Charles La Doux, southwardly by the commons of said village, eastwardly by a street separating it from the Illinois river, and westwardly by a street which separates it from another lot which I claim in said village, bounded northwardly by a lot occupied by Charles Ladoux, southwardly and westwardly by the commons, and eastwardly by the street before mentioned, which separates the two lots; each of which lots contains one half of an arpent. Which two lots I claim under the act of Congress of 15th May, 1820.

his
ANTOINE ⋈ ROY.
mark.

Attest: WM. P. MCKEE.

STATE OF ILLINOIS, *County of Madison, ss.*

Simon Roy and Michael Declare, being duly sworn upon the Holy Evangelist, declare and say, that Antoine Roy, of the village of Peoria, some time during the year 1793 or 1794, commenced an improvement on two lots of ground in said village, bounded on the southwestwardly side by the commons, on the westerly end by a street, on the northeasterly side by a lot occupied by Charles La Doux, and on the easterly end by a street dividing it from the river Illinois, on which he built a house, and cultivated a garden; the other lot situated immediately in the rear of the lot before described, and bounded on the northerly side by the lot of Charles Le Doux, on the westerly part by the commons or unoccupied land, and on the southerly side by said commons, on the easterly side by a street dividing it from the first described lot, which was occupied by stables and houses and a hay-stack; and each of the said lots contained one half arpent of ground. That the said Antoine Roy occupied the said lots of ground for the space of five or six years, after which he left the village of Peoria, and the said lots were never sold or disposed of to any person, by said Roy, as these deponents verily believe. And further these deponents say not.

his
SIMON ⋈ ROY.
mark.

his
MICHAEL ⋈ DECLARE.
mark.

I certify the above was translated to the deponents to the best of my abilities.

J. F. HAMTRAMICK.

EDWARD COLES.

Sworn and subscribed before me this 1st day of September, 1820.
JOHN Y. SAWYER, *Jus. Peace.*

STATE OF ILLINOIS, *Madison County, ss.*

LAND OFFICE, EDWARDSVILLE, ILL'S,
June 22d, 1849.

I, Matthew Gillespie, register of the land office at Edwardsville, Ill's, do hereby certify that the foregoing copies of notices, affidavits, and of the report of the register of the said land office, as before and herein stated, are true and perfect copies of the originals now on file and of record in my office, and the same contain all the evidence and all the account of the proceedings in relation to said claims Nos. 29 and 33, of village lots in Peoria, to be found in the records and papers on file in my said office.

Given under my hand, the day and year above written.

M. GILLESPIE, *Register.*

Powell's Evidence.

15th. He proved by Elihu N. Powell, esq., that he had lived in Peoria twenty years; knew the defendant's landlord, Ballance, and the premises in dispute. The place called Ballance's avenue is further down the Illinois river than the property in controversy in this suit. Said Ballance has been in possession of a part of the southwest quarter of section nine, in township eight north, of the base line, and range eight east of the fourth principal meridian, claiming the whole in his own right, adversely to all others, except as he sold portions of it, ever since witness had been living there.

Value of the Property.

Agreed that the property in dispute was worth more than two thousand dollars, and that the defendant was the tenant of Charles Ballance.

Plaintiff then offered in evidence, 1st, paper which is as follows:

Ballance's Application.

No. 13,293. *27th day of November,* 1837.

I, Charles Ballance, of Peoria county, and State of Illinois, do hereby apply for the purchase of the southwest fractional qr. of section numbered nine, in township numbered eight north, of range numbered eight east of the fourth principal meridian, containing one hundred and forty-seven $\frac{43}{100}$ acres, according to the returns of the surveyor general, for which I have agreed with the register to give at the rate of one dollar and twenty-five cents per acre, subject, however, to the rights of any and all persons claiming under act of Congress 3d March, 1823, entitled An act to confirm certain claims to lots in the village of Peoria, in the State of Illinois.

C. BALLANCE.

I, Samuel Leech, register of the land office at Quincy, Illinois, do hereby certify that the frac'l qr. section above described contains 147 $\frac{43}{100}$ acres, as mentioned, and that the price agreed upon is $1.25 per acre.

SAM'L LEECH,
Register.

Pre. act, 1834.

Land Office, Quincy, *Nov. 9th,* 1854.

I, A. C. Marsh, register of the said land office at Quincy, Ill., do hereby certify that the foregoing is a true and correct copy of the original application of Charles Ballance, now on file in this office.

A. C. MARSH, *Register.*

To the reading of which defendant objected, but the court overruled said objection and the said paper was read to the jury.

2d. He read a patent from the United States to Charles Ballance which is as follows, and which patent was issued in pursuance of the pre-emption and entry of Ballance, as offered by defendant.

Ballance's Patent.

Certificate No. 13,293.

The United States of America to all to whom these presents shall come, greeting:

Whereas Charles Ballance, of Peoria county, Illinois, has deposited in the General Land Office of the United States a certificate of the register of the land office at Quincy, whereby it appears that full payment has been made by the said Charles Ballance, according to the provisions of the act of Congress of the 24th of April, 1820, entitled "An act making further provision for the sale of the public lands" for the southwest fractional quarter of section nine, in township eight north, of range eight east, in the district of lands subject to sale at Quincy, Illinois, containing one hundred and forty-seven acres and forty-three hundredths of an acre, according to the official plat of the survey of the said lands returned to the General Land Office by the surveyor general, which said tract has been purchased by the said Charles Ballance:

Now know ye, that the United States of America, in consideration of the premises, and in conformity with the several acts of Congress in such case made and provided, have given and granted, and by these presents do give and grant, unto the said Charles Ballance, and to his heirs, the said tract above described, to have and to hold the same, together with all the rights, privileges, immunities and appurtenances, of whatsoever nature thereunto belonging, unto the said Charles Ballance, and to his heirs and assigns forever; subject, however, to the rights of any and all persons claiming under the act of Congress of 3d March, 1823, entitled "An act to confirm certain claims to lots in the village of Peoria, in the State of Illinois."

In testimony whereof, I, Martin Van Buren, President of the United States of America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the city of Washington, the twenty-fourth day of January, in the year of our Lord one thousand eight hundred and thirty-eight, and of the independence of the United States the sixty-second.

MARTIN VAN BUREN. [SEAL.]

By the President:

By A. VAN BUREN, *Sec'y.*

H. M. GARLAND,
Recorder of the General Land Office.

Recorded vol. 3, page 114.

STATE OF ILLINOIS,
County of Peoria.

RECORDER'S OFFICE.

I, Charles Kettelle, recorder in and for said county of Peoria, do hereby certify the annexed patent from the United States to Charles Ballance for the S. W. sec. 9, 8 N., 8 E., is duly recorded in said office, in book P, page 478, on this 25th day of September, A. D. 1845.

CHARLES KETTELLE, *R. P. Co.*

3d. He, the defendant, read the depositions of A. M. Braley, Kettelle, Clark, and Sam'l Dimon, which are as follows:

Be it remembered that on the 18th day of August, A. D. 1854, at Peoria, county of Peoria, and State of Illinois, personally appeared before me, judge of tenth judicial circuit court of the State of Illinois, Norman H. Purple, and made affidavit that he was one of the attorneys for the plaintiff in a suit then depending in the circuit court of the United States for the district of Illinois, wherein Edward P. Tesson was plaintiff, and Richard Gregg defendant; that the testimony of Samuel Dimon, Ralph Hamlin, Charles Kettelle, and A. Morton Braley, was material and necessary for the said plaintiff in the prosecution of said suit, and that each of the said witnesses lived in the county of Peoria, more than one hundred miles from Chicago, where the court, at which the said plaintiff expected the said cause would be tried, was appointed by law to be held, and that Richard Gregg, the said defendant, and Charles Ballance, esq., his attorney, both resided at Peoria, in the State of Illinois, about one hundred and sixty miles from Chicago aforesaid, and I was requested, in behalf of the said plaintiff, that the said witnesses might be examined according to the directions of the act of Congress in such case made and provided.

Whereupon I ordered that the said witnesses should be examined de bene esse, before me, at the office of the clerk of the county court, Peoria county, at the court-house in the city and county of Peoria and State of Illinois, on the 2d day of September, A. D. 1854, at eight o'clock a. m. of said day; and that one day's notice should be given to the said defendant, or his said attorney, of such examination, to the end that he might, if he should see fit, be present at the examination and put interrogatories; and I having satisfactory proof that such notice had been given, and as well the said plaintiff, by his attorney, as the said defendant, by his attorney, C. Ballance, appearing before me at the office of the clerk of the county court of Peoria county, at the court-house in the city and county of Peoria and State of Illinois, on this 2d day of September, A. D. 1854, at eight o'clock a. m. of said day, I have therefore proceeded with the said examination.

Kettelle's Deposition.

And the said Charles Kettelle, being first carefully examined and cautioned, and duly sworn to testify the whole truth and nothing but the truth, saith, that he resides in the city of Peoria; is clerk of the county court in and for said county; that he has been such clerk a little more than four years last past; that he is acquainted with the southwest fractional quarter of section nine, in eight north, of range eight east, in Peoria county; that Charles Ballance was in possession of said tract of land from the year A. D. 1842 until the year A. D. 1846, when he laid out his addition to Peoria on said fractional quarter, and claimed to be the owner of said land during the whole of said time; that he has examined the books and records in his office and can find no taxes due and unpaid against lots Nos. one, eight, seven, and six, in block sixty-seven, and lots three and four in block forty-seven, in said Ballance's addition to Peoria; that the assessor's book, returned and filed in the office of the county clerk of said county of Peoria for the year A. D. 1843, shows that said tract of land is assessed to Charles Ballance, (i. e.) the south W. fractional quarter above specified; that he has examined the books and records of his office and cannot find that French claims Nos. 33 and 29 (included in Ballance's addition to Peoria) have ever been assessed or taxed as "French claims," or by their boundaries, nor in any other manner, except as being included in the quarter section, and afterwards in lots in Ballance's addition, as laid off by him.

CHARLES KETTELLE.

And I do further certify that the preceding deposition was reduced to writing by me, and signed by the said Charles Kettelle in my presence; and that I am not of counsel or attorney for either of the parties to the said suit, nor am I interested in the event thereof.

H. M. WEAD,
Judge of the 10th Judicial Circuit Illinois.

Braley's Deposition.

And the said A. Morton Braley, being first carefully examined and cautioned, and duly sworn to testify the whole truth and nothing but the truth, saith, that the plat hereto attached marked "A," and made a part of this deposition and of his evidence, represents French claims

33 and 29 in the village of Peoria, laid down upon lots one, eight, seven, and six, in block No. sixty-seven, and on lot four in block forty-seven, in Ballance's addition to Peoria—the French claims aforesaid being indicated by the red lines on the plat, and the lots aforesaid by the black lines; that the said Braley is engineer and surveyor of the city of Peoria, and made the survey and plat aforesaid from the original survey of the French claims, approved by the surveyor-general of the States of Missouri and Illinois, and also from the record of Ballance's addition as recorded in Peoria county; and that he made an actual measurement of the ground, according to said surveys, which measurement and survey was made in the month of May last; that Richard Gregg, the defendant, has been in possession of said French claims, No. thirty-three and twenty-nine, since November, A. D. 1853.

A. MORTON BRALEY.

And I do further certify that the preceding deposition was reduced to writing by me, and signed by the said A. Morton Braley in my presence; and that I am not of counsel or attorney for either of the parties to the said suit, nor am I interested in the event thereof.

H. M. WEAD,
Judge of the 10th Judicial Circuit Illinois.

Exhibit "A."

[*For plat marked Exhibit A, see original, page* 161.]

Dimon's Deposition.

And the said Samuel Dimon, being first carefully examined and cautioned, and duly sworn to testify the whole truth and nothing but the truth, saith, that he was forty-three years old in May last, and that he resides in Peoria county; that he was assessor for said county in the year A. D. 1843, and in that year assessed the southeast and southwest quarters of section nine, in township eight north, of range eight east, in Peoria county, for that year to Charles Ballance, at his request, and in the manner in which he requested him to make such assessment; that he, said Ballance, claimed, at that time, to be the owner of said lands, and said land was listed and assessed to him at his request.

SAM'L DIMON.

And I do further certify that the preceding deposition of Samuel Dimon was reduced to writing by me, and signed by him in my

presence; and that I am not of counsel or attorney for either of the parties to the said suit, nor am I interested in the event thereof.

H. M. WEAD,
Judge 10th Judicial Circuit Illinois.

4th. He gave in evidence a plat of Ballance's addition to Peoria.

[*For plat see original, page* 163.]

I, George C. McFadden, county surveyor of the county of Peoria, and State of Illinois, do hereby certify that the within plat is a true survey of Ballance's addition to the town of Peoria, as surveyed and laid off by me, on the southwest quarter of section 9, T. 8. N., R. 8. E., of the fourth principal meridian, at the instance of said Ballance, the proprietor thereof, on the 10th day of February, 1846.

All the streets, alleys, and blocks were by me accurately measured, and are of the dimensions specified on said plat. At the intersection of Walnut and Adams streets, it being the easterly corner of block No. 41, I planted a stone, from which to make future surveys. At all the other corners of blocks I caused stakes to be driven down. Although the blocks are divided into lots of sixty feet each on the plat, no corresponding stakes were driven, it being deemed by the proprietor unnecessary.

Given under my hand at Peoria this 10th day of February, 1846.

G. C. McFADDEN, *C. S. P. C.*

Variation allowed in making the above survey, 7° 10′.

I, Charles Ballance, proprietor of the within addition to the town or city of Peoria, do hereby certify and acknowledge that the within a correct plat thereof, surveyed with my consent and under my directions by George C. McFadden, county surveyor of Peoria county, in the State of Illinois, and that the said streets and alley are hereby vested in the board of aldermen of said city for the use of the public: provided, however, that I reserve to myself the right to enclose or keep enclosed until the public interest shall require them to be opened—of which interest I am to be the judge—all said streets, except Adams, Water, Hudson, and Chesnut, and all the alleys, except those below Adams street and above Chesnut street: provided further, that I reserve to myself, my heirs and assigns forever, the exclusive right of establishing bridges, ferriages, and fishing on said land, this survey notwithstanding.

In witness whereof, I have hereunto set my hand and seal, this 10th April, 1846.

C. BALLANCE. [SEAL.]

STATE OF ILLINOIS, *County of Peoria, sct.*

Personally appeared before me, Jonathan K. Cooper, a justice of the peace of said county, Charles Ballance, whose name is subscribed to the above acknowledgment as having executed the same, and who is personally known to me to be the same, and acknowledged the execution thereof to be his free act and deed for the uses and purposes therein expressed. Dated this 10th day of April, 1846.

JONATHAN K. COOPER, *J. P.*

STATE OF ILLINOIS, *County of Peoria.*

RECORDER'S OFFICE.

I, Charles Kettelle, recorder in and for said county, do hereby certify the within plat is duly recorded in said office, in book Q, pages 305 and 306, this 24th day of April, A. D. 1846.

CHARLES KETTELLE, *R. P. Co.*

The above was all the evidence in the cause; whereupon the defendant asked the court to instruct the jury as follows:

Defendant's Instructions.

U. S. Court, July term, A. D. 1856.

EDWARD P. TESSON }
vs. } Ejectment.
RICHARD GREGG. }

Defendant asks the court to instruct the jury—

A.—*Instructions asked by Def't's Counsel.*

1st. That the patent, offered in evidence by the plaintiff to the legal representatives of Antoine Roi, was issued without authority of law, and is void.

2d. That if the jury shall believe, from the evidence, that the ground sued for is other and different ground from that occupied by said Antoine Roi, then plaintiff cannot recover in this action.

3d. This grant being, by the words of the statute, to the claimant without words of descent, the right could not descend to any one after his death.

4th. If the jury shall believe, from the evidence, that defendant's landlord, Ballance, had been in possession of the S. W. quarter of sec. nine, in township eight north, of range 8 east of the 4th principal meridian, by cultivating a part and claiming the whole, under his papers as exhibited to the court and jury, for more than twenty years before the commencement of this suit, then the plaintiff cannot recover in this action.

5th. If the jury shall believe, from the evidence, that said Ballance, by his tenants, said Cole, Thompson and Gregg, had been in possession of said premises, by actual occupancy, for more than seven years before this suit was commenced, then plaintiff is not entitled to recover in this action.

6th. If the jury shall believe, from the evidence, that said Ballance, by his said tenants, had been in possession of said premises for more than seven years before the commencement of this suit, and had, during said period, paid all taxes that had been assessed against said premises, then plaintiff cannot recover in this action.

7th. That in actions of ejectment it is a principle of law that plaintiff must recover on the strength of his own title, and cannot rely on the weakness of defendant's title; and therefore if plaintiff proof is so uncertain and defective as to leave doubts in the mind of the jury as to plaintiff's derivative title by heirship, the defendant is entitled to the benefit of those doubts.

8th. That unless the jury shall believe, from the evidence, that Mary Gendron is the daughter of Antoine Roi, plaintiff cannot recover.

9th. That unless the jury shall further believe, from the evidence, that said Mary Gendron is the only survivor of all the heirs of Antoine Roi, the plaintiff cannot recover.

10th. If, on any of these points, the evidence has left reasonable doubts on the minds of the jury, the plaintiff is not entitled to a verdict.

11th. That plaintiff having, by his own witness, Mrs. Gendron, brought to light the fact that Antoine Roi had another daughter, not before known, who had been married to one Papin, it was incumbent on plaintiff to investigate that family and ascertain positively whether said Papin and wife were dead, and how many children they had had, if any, and whether they were dead, and when they died, and which died first; and the fact that no such proof has been obtained or attempted, is a circumstance from the jury have a right to presume there are other heirs besides said Mary Gendron.

12th. That the clause interlined in the patent, introduced in evidence by plaintiff, from the United States to said Ballance, commencing "subject to the claims," &c., being an attempt by the habendum to lessen the estate conveyed in the granting part of the deed, is absolutely void.

13th. The officers of the government having sold said southwest quarter of section nine to said Ballance, absolutely and without reservation, had no right to insert said clause in said patent.

14th. That said Ballance was not bound to accept said patent with said clause in it.

15th. The fact that said Ballance still has the duplicate receipt of the receiver at the land office at Quincy, and the patent is introduced by the plaintiff, is evidence from which the jury may presume that he never did accept it in that form.

16th. That there being no surveys locating said French claims No. 33, until after the purchase made by said Ballance, on the 27th of November, 1837, the register and receiver at Quincy had no means of knowing, and were not bound to know, that said claim number 33 would be located thereon, and therefore had a right to sell, and did sell, said land to said Ballance, discharged from any claim said Antoine Roi or his legal representatives may have had on it.

17th. That were said clause binding on said Ballance and those holding under him, it would only be operative between the United States and said Ballance and those holding under , but as between plaintiff and defendant in this suit it would have no effect. It is only a stipulation by the government with the patentee, that *that* in case any of the ground should be recovered by a certain class of claimants, the government would not be responsible.

18th. That if the jury shall believe, from the evidence, that said Mary Gendron was as likely to have been begotten by Louis Roi or some other man, as by said Antoine Roi, the plaintiff ought not to recover in this action.

Which instructions the court refused to give, but instructed the jury as follows:

B.—*Tesson vs. Gregg.—Instructions of the Court.*

The court declined giving the instructions to the jury, in the form requested by the defendant's counsel, but instructed them as follows:

1st. That the acts of 1820 and 1823, taken in connection with the report of the register of the land office at Edswardsville, the survey of the surveyor general, and the patent, vested the legal title to the lot in the legal representatives of Antoine Roi. That until the lot was surveyed, and the survey approved, as required by the act of 1823, the claimants could not know the extent and boundaries of the lot, and until that time there could be no adverse possession under the statutes of limitations.

2d. That in regard to the legitimacy of Mary Gendron, if she was the daughter of Antoine Roi, born before his marriage with her mother, and after her birth her father and mother were married in Missouri, at the time mentioned, such marriage of her father and mother in Missouri rendered the child legitimate; and she being legitimate by the law of Missiouri, was capable of inheriting lands in Illinois, and it gave to her the right of heirship to property in Illinois; and if her father had not divested her of her right by deed, devise, or otherwise, she could take an estate in Illinois, as the heir of her father, and so, as to that, was his legal representative.

3d. That the jury must be satisfied from the evidence that Mary Gendron, through whom the plaintiff claims, was the sole surviving heir of Antoine Roi—the court explaining to the jury the rule of descents. This was a question of fact to be found by them—that if they should find there were other children of Antoine Roi at the time of his death, then, if they should also believe that such children, or the descendants of such children, had been absent from their places of residence, and nothing had been heard of them by their friends and acquaintances for seven years or more, then they might presume they were dead.

4th. That the jury must find from the evidence that the title by mesne conveyances has become vested in the plaintiff, in order to authorize a verdict in his favor.

5th. That if Antoine Roi acknowledged Mary Gendron as his child before, at, and after his marriage with her mother, and presented her as such, to receive baptism, they were strong circumstances tending to prove her to be his child.

6th. The plaintiff must recover on the strength of his own title.

7th. Ballance, the landlord of the defendant, was not bound to enter the land or accept the patent; but he applied for the land and took his title subject to these French claims, and the only title shown is one which is subject to the claims under the act of 1823; and under the circumstances detailed in evidence, the court is of opinion that Ballance's title never included, and the government never intended that it should include, the lot in controversy, if there was any one capable of taking it under the act of 1823.

And it appears by his application that he had full notice of these French claims. In these circumstances, a possession of a part of the quarter could not be said, in point of law, to be a possession of the whole quarter. But Ballance was bound by his title.

8th. If Ballance had possession of this lot under a title adverse or in hostility to the French claims for seven successive years, and had paid taxes for that time, then his possession might be protected under the statutes of limitations.

To all of which decisions, rulings and instructions, the defendant then and excepted, and prayed that this his bill of exceptions be sealed, signed and made of record, which is done.

It was further admitted at the trial that the answer of Mrs. Gendron to the 12th cross-interrogatory, which was not propounded, should be considered as if answered in the affirmative.

Exceptions allowed.

THOMAS DRUMMOND. [SEAL.]

Endorsed: Filed August 6, 1856.

WM. H. BRADLEY, *Clerk.*

And on the 29th day of July, A. D. 1856, said defendant, by his attorney, filed with the clerk of said court his appeal bond in the words and figures following, to wit:

Appeal Bond.

Circuit Court of the United States for the northern district of Illinois.—
Of the July term, A. D. 1856.

EDWARD P. TESSON }
vs. } In Error.
RICHARD GREGG. }

Know all men by these presents, that we, Charles Ballance and Isaac Underhill, are held and firmly bound unto Edward P. Tesson, the above plaintiff, in the sum of two thousand dollars, to be paid to the said plaintiff, his executors or administrators, to the payment whereof well and truly to be made we bind ourselves, and each of us, jointly and severally, and our and each of our heirs, executors and administrators, firmly by these presents. Sealed with our seals, and dated this 25th day of July, A. D. 1856.

Whereas the above named Charles Ballance hath prosecuted a writ of error to the Supreme Court of the United States, (but in the name of said Richard Gregg,) to reverse the judgment rendered in the above entitled cause by the above named court, at its present session: Now, therefore, the condition of this obligation is such, that if the above named Charles Ballance shall prosecute his said writ of error to effect, and answer all damages and costs if he shall fail to make good his plea, then this obligation shall be void, but otherwise it shall remain in full force and virtue. C. BALLANCE. [SEAL.]
ISAAC UNDERHILL, [SEAL.]
By his attorney in fact, C. BALLANCE.

Sealed, signed and delivered in presence of—two inserted instead of "one" before signing—
Attest: Wm. H. Bradley.

Security approved.
THOMAS DRUMMOND.

Endorsed: Filed July 29th, 1856.
WM. H. BRADLEY, *Clerk.*

And on the same day, to wit, the 29th day of July, A. D. 1856, said defendant, by his said attorney, filed with said clerk his writ of error, in the words and figures following, to wit:

Writ of Error.

United States of America,
Northern District of Illinois, ss:

The United States of America to the Judges of the Circuit Court of the United States for the northern district of Illinois, greeting:

Because in the record and proceedings, as also in the rendition of a judgment in a plea which is in the said court before you, between Edward P. Tesson against Richard Gregg, a manifest error hath happened, to the great damage of the said Richard Gregg, as by his complaint appears; and it being fit that the error, if any there hath been, should be duly corrected and full and speedy justice done to the parties aforesaid, in this behalf, you are hereby commanded, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington on the first Monday in December next, in the said Supreme Court to be then and there held, that the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error, what of right and according to the law and custom of the United States should be done.

[SEAL.] Witness the Hon. Roger B. Taney, Chief Justice of the Supreme Court of the United States, this 28th day of July, A. D. 1856, and of our independence the 81st year.

WM. H. BRADLEY, *Clerk.*

Endorsed: Filed July 29th, 1856.

WM. H. BRADLEY, *Clerk.*

NORTHERN DISTRICT OF ILLINOIS, *ss.*

I, William H. Bradley, clerk of the circuit court of the United States for said northern district of Illinois, do hereby certify the foregoing transcript to be a full, true, and perfect copy from the record, of all the proceedings which have been had in said court, in said cause of Edward P. Tesson against Richard Gregg, as the same now appears in my office.

[L. S.] In testimony whereof, I have hereunto set my hand and affixed the seal of said court at my office, in Chicago, in said northern district, this twenty-fifth day of October, A. D. 1856.

WM. H. BRADLEY, *Clerk.*

Said Richard Gregg, by his attorney, C. Ballance, comes, when, &c., and says that in the record and proceedings aforesaid there is manifest error in this, to wit:

1st. Said *circuit* erred in permitting a portion of said printed to be read to the jury.

2d. Said court erred in permitting said plats to be given in evidence to the jury.

3d. Said court erred in permitting said patent to Antoine Roi to be read in evidence to the jury.

4th. Said court erred in refusing instructions asked by the defendant below to be given to the jury.

5th. The court erred in instructing the jury as above stated.

6th. Said judgment ought to have been given for said defendant, Gregg, and not for said plaintiff, Tesson.

For which errors, and others apparent in said record, said defendant, Gregg, prays that said judgment may be disannulled, set aside, and for nothing held.

C. BALLANCE,
For Appellant.

Filed 15th January, 1857.